

# CIVIL LEGAL COUNSEL PROJECTS PROGRAM (CLCPP) EVALUATION

# 2023 Annual Evaluation Report

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District of Columbia Bar Foundation (DCBF)  
200 Massachusetts Ave, NW, 7<sup>th</sup> Floor  
Washington, DC 20001



**Prepared by:**  
NPC Research  
1500 NE Irving Street, Ste. 100  
Portland, OR 97232

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# EXECUTIVE SUMMARY

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 the DC Bar Foundation (DCBF) and awarded to legal services organizations in the District of Columbia (DC) to provide legal assistance to DC residents with low incomes who are facing, or at risk of facing, eviction proceedings or the loss of a housing subsidy.<sup>1</sup> Each year from 2018 through 2022, DCBF administered grants to 6 legal services providers that formed the CLCPP network: Bread for the City, DC Bar Pro Bono Center, Legal Aid Society of the District of Columbia, Legal Counsel for the Elderly, Neighborhood Legal Services Program, and Rising for Justice. In July 2022, the legislation that authorized the CLCPP was expanded to allow legal services for tenants who wanted to initiate a legal action (“tenant petition cases”, such as those seeking remedy for substandard housing conditions). In January 2023, the Children’s Law Center was funded as the 7<sup>th</sup> CLCPP grantee.

Each year, NPC submits an Annual Evaluation Report to DCBF that summarizes the CLCPP Service Data collection, highlights evaluation activities done during the grant year, and discusses key program achievements. The 2023 report discusses activities conducted from October 2022 through September 2023 and provides a review of clients served, services provided, and outcomes achieved by the CLCPP network. This report also summarizes learnings from structured interviews with 6 of the network partners held in spring 2023. The following section highlights key evaluation results.

## HIGHLIGHTED RESULTS

**CLCPP partners closed nearly 3,500 cases between October 2022 and September 2023.** During the current reporting period, the CLCPP partners served 2,963 tenants across 3,424 cases, 3,255 (95%) of which were eviction cases in the Landlord Tenant (L & T) Branch of the DC Superior Court (the Court). Of the 3,255 eviction cases served in 2023, the tenant faced an active eviction lawsuit in 1,802, with 1,476 of these (82%) filed for non-payment of rent. From January through September 2023, the partners closed an average of just over 300 cases per month, which is the same monthly volume as the pre-pandemic period between August 2019 to mid-March 2020. During the last three quarters of the current grant year, the partners closed more cases per quarter than they had during any prior quarter since data collection began. Exhibit I on the following page shows the number of cases closed during the current reporting period and since data collection began in August 2019, separated by type of case.

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<sup>1</sup> The statute also mandates an evaluation of the program. In 2019, NPC Research (NPC) was hired by DCBF to design and conduct this evaluation, which is ongoing.

## Exhibit I. Number of Tenants Served and Cases Closed

| Across all 7 CLCPP partners, total number of... | Current Period <sup>a</sup><br># (%) | Total<br># (%) |
|---|--------------------------------------|----------------|
| Tenants served                                  | 2,963 (100%)                         | 8,217 (100%)   |
| Cases closed <sup>b, c</sup>                    | 3,424 (100%)                         | 10,158 (100%)  |
| Eviction cases closed                           | 3,255 (95%)                          | 9,769 (96%)    |
| Voucher termination cases closed                | 41 (1%)                              | 236 (2%)       |
| Housing conditions cases closed                 | 87 (3%)                              | 87 (1%)        |
| Other tenant petition cases closed              | 11 (< 1%)                            | 11 (< 1%)      |

<sup>a</sup> The current period includes cases closed Oct. 2022 to Sept. 2023. Total includes cases closed from Aug. 2019 to Sept. 2023.

<sup>b</sup> Tenants can receive help for more than one case.

<sup>c</sup> Case type information is missing for 29 cases during the current period and 55 cases total.

**CLCPP partners began providing legal services in housing conditions cases during the current grant year.** Due to the expansion of the CLCPP statute and the introduction of the Children’s Law Center (CLC) to the network, the CLCPP partners began providing services to tenants seeking legal help to remediate substandard housing conditions by requiring the landlord to make repairs. Attorneys in housing conditions cases assisted tenants by sending landlords a demand letter; helping tenants identify and substantiate substandard conditions; filing a petition to initiate a legal case; or, if necessary, representing tenants throughout the case.

**Tenants continued to utilize the LTLAN to connect with CLCPP attorneys.** While there are many ways tenants can contact CLCPP attorneys, the primary avenue used in the past year was the Landlord Tenant Legal Assistance Network (LTLAN), a coordinated intake and referral system established in 2020. Among the 2,963 tenants served by CLCPP partners during the current reporting period, **64% connected with services through the LTLAN.** This high percentage reflects the CLCPP providers’ continued efforts to promote the LTLAN broadly in the community and the Court’s inclusion of LTLAN information on all official documents that tenants receive. These efforts have contributed to a steady increase in the number of calls to the LTLAN. In the face of rising demand for services and limited attorney capacity, providers have had to adjust LTLAN triage protocols to prioritize referrals for tenants at imminent risk of displacement—namely, those who have an active eviction lawsuit filed against them in court.

### How Tenants Connected with CLCPP Legal Services (Oct 2022 – Sep 2023)

- **64%** called the LTLAN
- **26%** called a CLCPP partner directly
- **4%** connected with an attorney in court
- **1%** connected through a referral

**CLCPP services reached tenants living in every District Ward.** While the CLCPP partners served tenants citywide, **almost half (49%) of the CLCPP clients in this reporting period lived in Wards 7 (18%) and 8 (31%).** An additional 15% of CLCPP clients lived in Ward 5. This distribution is consistent with service data from previous grant years.

**CLCPP partners served at-risk District residents.** Many CLCPP clients did not live alone, and the legal services they received impacted the housing stability for their families, too. Across the 2,963 CLCPP clients served for all case types in this reporting period, a total of 6,117 household members were impacted. Of clients with information available,<sup>2</sup> 86% identified as Black or African American and 65% identified as women. **Women of color, who tend to disproportionately experience eviction filings, made up 53% of clients.**

Many of these cases featured households that were particularly vulnerable to the risks of unstable housing or potential homelessness created by an eviction. Of the 2,963 tenants served during this reporting period, 36% had at least one minor child living in the household and 27% identified as having a disability or chronic health condition. Moreover, 35% of tenants served by the CLCPP this year resided in subsidized housing and were at risk of losing not only their home, but also their housing subsidy.<sup>3</sup>

Finally, CLCPP clients typically faced a landlord who was represented by an attorney. In the past year, among the 1,802 CLCPP cases in which the tenant faced an active eviction lawsuit (e.g., the landlord had filed a complaint with the Court), the landlord was represented by an attorney in 1,706 (94%). This imbalance in access to legal representation underscores the importance of the CLCPP services.

**Half of CLCPP clients received legal advice.** During the grant year, **50% of tenants who received legal services in eviction cases received brief advice and counsel.** Many remaining clients received more extensive services, either some level of representation (21% limited scope, 19% full) or brief services,

### CLCPP CLIENT INFORMATION


Of the 2,963 tenants served:


 **86%** identified as Black or African American

 **65%** identified as women

 **53%** identified as a woman of color

Tenants in households that were particularly vulnerable to risks of unstable housing:

 **36%** had minors living in the household

 **27%** had a disability or chronic health condition

 **35%** lived in subsidized housing

Of 1,802 tenants with an active eviction lawsuit:

**94%** faced a represented landlord

<sup>2</sup> Percentages for demographic data such as race and gender are calculated out of the tenants who reported those data.

<sup>3</sup> Disability status and subsidized housing information status percentages are calculated out of the number of cases that have this information: 2,178 cases in the current reporting period.

such as drafting letters to landlords (5%). Clients who received advice and counsel, who likely proceeded in their cases as self-represented parties, were provided with guidance on how to respond to the eviction complaint, minimize the financial impact of the eviction filing, and remain housed for as long as possible or find new housing. As the demand for CLCPP services has grown, and as attorney capacity among the partners has remained largely flat, the provision of advice and counsel has enabled providers to offer some level of assistance to a larger number of tenants. Furthermore, when tenants face an eviction filed for nonpayment of rent and have no viable legal defenses, attorneys are often limited in the types of legal services they can provide.

**CLCPP Services supported housing stability.** Among eviction cases closed during the current reporting period that received representation by a CLCPP attorney, 76% of tenants retained possession of their units. Some tenants remained in their homes because the eviction case was dismissed, either by the landlord or the court, while others were able to stay in their homes subject to terms laid out in a settlement agreement. Of the tenants who moved out of their homes, many did so of their own volition (e.g., some no longer wanted to live in the unit) or as part of a settlement agreement in which they received other favorable terms (e.g., reduced rental debt) in exchange for leaving. Importantly, **among the CLCPP clients for whom case outcomes were known, only 5% ended their case with a judgment entered against them that put them at risk for an actual lockout.**

Also importantly, across all CLCPP cases closed in the current reporting period that had available outcome data, 41% were resolved by landlord dismissal. Over half of these landlord dismissals reflected a full resolution of the issue (e.g., rental debt paid in full, dog removed from the rental unit) and a true end to the case. Other cases were dismissed without prejudice due to a technical defect with the landlord's eviction notice or complaint. In these cases, the landlord could refile the eviction complaint later. While a dismissal without prejudice may not spell the end of the tenant's eviction risk, they could remain housed while they worked to either stay in their unit or find alternative housing.

In addition to direct legal services, CLCPP providers also began to **staff in-house Tenant Support Specialists** who work to connect legal services clients with other needed non-legal services to support their housing stability, such as rental assistance, housing search help, and relevant social services.

**CLCPP partners engaged pro bono attorneys to augment system capacity.** Understanding that the attorney capacity within the CLCPP-funded organizations is not sufficient to meet the service needs of all low-income District renters at risk of eviction, the CLCPP partners collaborated to develop strategies to augment the system's capacity. During the current grant year, CLCPP partners worked together to relaunch the **Housing Right to Counsel (HRTC) project, which targets services for tenants who are facing eviction from subsidized housing or potential loss of their Housing Choice Voucher.** This group of tenants face considerable risks, given the difficulty of obtaining such subsidies. To relaunch the HRTC, CLCPP providers collectively trained cohorts of pro bono attorneys in housing law and developed a workflow that identifies eligible tenants and connects them to available pro bono counsel. Utilizing pro bono attorneys in this way has expanded the CLCPP network's capacity to serve tenants who face not only a loss of their housing, but the loss of a housing subsidy.

**The CLCPP network strengthened relationships with community-based partners to reach tenants in the community.** In addition to providing direct legal services to tenants facing eviction, the **CLCPP partners continued collaborating with community-based organizations (CBOs)** to support broader eviction prevention efforts. Since 2021, the CLCPP organizations have developed working partnerships with CBOs to coordinate community canvassing and other outreach efforts to connect tenants facing an eviction with a CLCPP attorney. During the current grant year, the CLCPP and their CBO partners collaborated to launch the Eviction Prevention in the Community (EPIC) project. Through this collaboration, CLCPP providers tracked eviction case filings and shared this information with community-based partners, who engaged in canvassing efforts to knock on the doors of at-risk tenants to educate them about the eviction process, encourage them to participate in their case (not default), and share LTLAN contact information for them to connect with legal services. Also, through EPIC, the community-based partners established *participatory defense hubs* where tenants receive legal information about the eviction process, meet other tenants who have experienced eviction, and get connected to the LTLAN. With this project, CLCPP partners have expanded the network's reach into the community, leveraged canvassing to conduct proactive outreach and connect with tenants earlier in the eviction process, and supported the participatory hubs as a community-based and peer-led effort.

**The CLCPP partners feel positively about the network.** During interviews with partners, both supervising and staff attorneys shared insights about their experiences participating in the CLCPP network. **Overall, partners' experiences with the network were positive**, with praise focused on increased collaboration among legal services organizations and expanded access to legal service and resources for District residents. Partners reported challenges balancing the increasing demand for services, especially as the LTLAN becomes a well-known resource in the community, with attorney capacity, but felt that the network's catalyzation of effective collaborative efforts (e.g., the LTLAN, joint advocacy, resource leveraging) was beneficial to the member organizations and to District residents living with low income and housing instability risk. As one attorney noted, ***"Being part of [the] network makes advocacy stronger because we're all on the same page and doing the same work."***



# 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 services 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 a network initiative with broader system impact for DC residents with low income who are 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 in July 2017. Grants are administered by DCBF and awarded to legal services organizations in the District of Columbia to provide legal assistance to DC residents who are facing eviction proceedings or the loss of a housing subsidy.<sup>4</sup> 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).<sup>5</sup> In October 2021, eligibility criteria were expanded to households with incomes up to 250% of the FPG. In July 2022, the statute was updated again to make all tenants with “low income” eligible for CLCPP services.

Additionally, in July 2022, the legislation that authorized the CLCPP was expanded to fund legal services to tenants who want to initiate a legal action (“tenant petition cases”), whether it is against their landlord (e.g., to repair substandard housing conditions) or with an agency such as the DC Housing Authority (e.g., to request a change in their housing subsidy).

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<sup>4</sup> Most often, the subsidy at issue is a Housing Choice Voucher, which is a tenant-based Section 8 program that allows tenants to use their subsidy in the private rental market and 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.

<sup>5</sup> 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>.

## CLCPP NETWORK

In the 2023 grant year, DCBF administered CLCPP grants to 7 legal services organizations:

- Bread for the City
- Children’s Law Center
- DC Bar Pro Bono Center
- Legal Aid Society of the District of Columbia
- Legal Counsel for the Elderly
- Neighborhood Legal Services Program
- Rising for Justice

Six of these organizations have received continuous funding since 2018 and have evolved from being 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 tenants with low income, these partners communicate and share information regularly, coordinate their organizations’ activities, collaborate on efforts to effect broader changes to the system, and work together to maintain the network’s coordinated intake and referral program, the Landlord Tenant Legal Assistance Network (LTLAN).

In January 2023, the Children’s Law Center (CLC) was added as the 7<sup>th</sup> CLCPP grantee to join the network. The CLC attorneys primarily provide services in rental housing conditions cases, but also offer services in other matters related to rapid rehousing conditions, shelter conditions, and administrative appeals for tenants whose rapid rehousing or shelter vouchers have been terminated or denied.

## THIS REPORT

This report presents the results of the evaluation activities conducted during the past grant year (October 2022 through September 2023). The first section describes NPC’s evaluation of the CLCPP program, with the following section summarizing the current operational context of the CLCPP network. This report then presents 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 4 years of the evaluation, from August 2019 through September 2023. A more detailed examination of case outcomes is shown in the following section, which utilizes data for cases closed from October 2022 through September 2023 and for which more comprehensive service data are available. The next section summarizes key themes heard from CLCPP partners during interviews conducted by NPC. Lastly, the report summarizes the study results to date, offers a few recommendations for program improvement, and lists the next steps for the evaluation.

# CLCPP EVALUATION APPROACH

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 partners, 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 had a housing subsidy 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 (i.e., legal information, legal advice, brief services, limited scope representation, full representation) and examining which services are provided to which tenants. The analysis also includes an investigation of how tenants are referred to the CLCPP service providers.
- **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, or whether the landlord is responsible for repairs to the rental unit. Case outcomes are known for the subset of cases that the attorney helped to resolve, most often the cases that received full representation.

## 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, the primary study activities have centered around collecting CLCPP Service Data, recording CLCPP partners' activities beyond direct legal services, and conducting virtual interviews with each of the CLCPP partners to discuss their perspective on the CLCPP network. These methods are described in more detail below.

## CLCPP Service Data (Direct Legal Services 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 services. This “*CLCPP Service Data*” instrument standardized the data elements collected by grantees to ensure that data could be aggregated across organizations.<sup>6</sup>

The full version of the CLCPP Service Data instrument, which focuses on eviction and voucher terminations cases, has been used since January 2021<sup>7</sup> and includes information about referral sources, case status at intake, opposing party representation, amount of rent owed, and a broad range of case outcomes, court orders, and settlement terms. During the past grant year, the instrument went through minor adjustments to better capture cases where the tenant comes to the CLCPP with a pending lockout and imminent threat to their housing stability.

The 2022 changes to the CLCPP statute that allowed the partners to provide legal services to tenants seeking to file a petition against their landlord required two changes to collection of CLCPP service data.

- First, the existing CLCPP Service Data instrument was amended to include a section of questions that recorded services and outcomes in tenant petition cases that are unrelated to housing conditions cases (i.e., “Other Tenant Petition cases”). These cases can include tenants alleging unlawful increases in rent, requesting reasonable accommodation, or pursuing an administrative action related to their housing subsidy.
- Second, because housing conditions cases are more prevalent than other types of tenant petition cases, NPC developed a new survey to collect data about services provided and outcomes achieved in cases where a CLCPP attorney provided services to a tenant seeking to remediate sub-standard housing conditions. NPC worked with the grantees who expected to offer services in housing conditions (primarily the Children’s Law Center) to develop a Housing Conditions CLCPP Service Data instrument. The new instrument was modeled after the existing tool to capture the case characteristics (e.g., whether the attorney had to file a complaint in the case, the specific conditions alleged to be substandard, and whether the attorney ordered a

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<sup>6</sup> 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.

<sup>7</sup> Between August 2019 and January 2020, the CLCPP Service Data instrument was piloted to collect statutorily required data elements and some basic data on case outcomes. In January 2020, the CLCPP Service Data instrument was expanded to collect more comprehensive data about clients, services, and case outcomes to support the full evaluation. The onset of the COVID-19 pandemic required the instrument to again be reduced to the piloted shorter version; however, in January 2021, as service environments settled into virtual spaces, the CLCPP Service Data instrument was expanded to include the fuller list of data elements.

mold inspection) and case outcomes (e.g., whether the landlord made the necessary repairs, whether the case ended with a settlement or a court hearing) that are specific to housing conditions matters. The process of developing this new survey and establishing data collection protocols was completed in summer 2023.

NPC continues to generate and distribute 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, which were updated to summarize data on tenant petition cases, 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 CLCPP Service Data are correct and complete, minimizes the amount of missing information, and reduces duplicated counts of clients across organizations.

### **Record of Work Done by CLCPP Partners Beyond Direct Legal Services**

Though the CLCPP network is focused on providing direct legal services to DC tenants with low income, the partners also collaborate on other important work to impact the broader system. Throughout the grant year, the evaluation team had monthly conference calls with CLCPP partner organizations to review the current CLCPP Service Data, which reflects the direct legal services, and to discuss any other activities undertaken by the CLCPP network partners. Twice during the year, partners provide NPC with a compiled list of non-direct service activities—such as work on coordinating intake across organizations or collective advocacy efforts.

### **Interviews with CLCPP Partner Legal Services Staff**

Input from the CLCPP partners adds context to the quantitative CLCPP Service Data. During the most recent grant period, NPC conducted semi-structured interviews with CLCPP supervisory and support staff, as well as line attorneys, to inquire about issues such as their experience with the CLCPP network, the collaboration between the network partners, what is working well (e.g., expanding the network’s service reach, coordinated outreach to tenants facing eviction), what challenges the partners overcame (lessons learned), and what challenges the network and the communities they serve still face.

# CURRENT PROGRAM CONTEXT

## 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 widespread gentrification that is displacing many residents with low income. In its 2023 publication of the annual Out of Reach report,<sup>8</sup> the National Low Income Housing Coalition (NLIHC) ranked the District of Columbia as the sixth most expensive jurisdiction (compared to states) in the nation with regard to rental housing wages. In 2023, the Fair Market Rent for a 2-bedroom apartment in DC was \$1,838 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,<sup>9</sup> the household must earn \$73,520 annually (or \$6,127 monthly). To achieve that salary, working a 40-hour work week for 52 weeks per year, a person would have to earn \$35.35 per hour. DC's current minimum wage is \$17.00 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 2022 American Community Survey<sup>10</sup> found that, among the 134,120 owner-occupied housing units in DC, 50% were owned by White people, while just 33% were owned by Black people (9% of units were owned by people who identified as multi-racial, 4% were owned by Asian people, and 3% by people of another race). In contrast, among the 192,850 renter-occupied housing units, 44% were rented by Black residents and 39% were rented by White residents (8% were rented by multi-racial people, 5% were rented by Asian tenants, and 4% by people of another race).

## OPERATIONAL CONTEXT

### Landlord & Tenant Branch of DC Superior Court

Exhibit 1 on the following page displays case statistics from 2019–2022 (the most recent year data were available) and shows the fluctuation in the number of cases filed in the Landlord & Tenant Branch of the DC Superior Court (the L & T Branch or the Court) and the lockouts scheduled and carried out by the US Marshals Service over the past 4 years. Notably, these numbers reflect all cases heard in the L & T Branch; while the majority are residential eviction cases, these totals also include other types of cases, such as foreclosures. As shown in Exhibit 1, in 2019, the L & T Branch was a high-volume court, with close to 30,000 cases filed and disposed (35 ending by default, likely because the tenant did not

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<sup>8</sup> [https://nlihc.org/sites/default/files/oor/DC\\_2023\\_OOR.pdf](https://nlihc.org/sites/default/files/oor/DC_2023_OOR.pdf)

<sup>9</sup> 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.

<sup>10</sup> <https://data.census.gov/table/ACSST1Y2022.S2502?q=United%20States&text=housing%20by%20race&g=050XX00US11001>

appear). The onset of the pandemic created a significant shift in operations, however, including a shutdown of the Court,<sup>11</sup> a moratorium on eviction filings, and pause in pending lockouts.

The impact of these operational changes is reflected in the decrease in cases filed and disposed, as well as lockouts scheduled and carried out, in 2020 and 2021 when the DC eviction moratorium was in effect. In September 2021, the moratorium began to phase out and lockouts that were ordered before March 2020, but halted due to the pandemic, resumed. New eviction filings, alleging nonpayment of rent, were allowed as of October 12, 2021, and new eviction filings for other reasons were set to resume in January 2022. As shown in Exhibit 1, there was a corresponding increase in the number of cases filed and disposed, as well as lockouts scheduled and carried out in 2022, although the volume in 2022 did not approach pre-pandemic levels.

**Exhibit 1. Landlord & Tenant Case Summary Statistics (2019–2022)**

|  | 2019   | 2020   | 2021  | 2022  |
|--|--------|--------|-------|-------|
| Total Cases Filed in Landlord & Tenant Branch <sup>a</sup>       | 29,669 | 8,158  | 684   | 9,826 |
| Total Cases Disposed in Landlord & Tenant Branch <sup>a, b</sup> | 30,035 | 10,862 | 2,255 | 5,371 |
| Total Landlord & Tenant Cases Ending by Default                  | 35     | 5      | 10    | 6     |
| Total Lockouts Scheduled with U.S. Marshals                      | 3,233  | 2,652  | 118   | 754   |
| Total Lockouts Carried Out                                       | 1,493  | 759    | 4     | 346   |

<sup>a</sup> Data Source: District of Columbia Courts, <https://www.dccourts.gov/about/organizational-performance/annual-reports>

<sup>b</sup> Data Source: DC Office of the Tenant Advocate, <https://ota.dc.gov/>

While the moratorium reduced the number of filings and lockouts during the pandemic period, many District residents living with low income experienced significant economic hardship because of COVID-19. As a result, many people were unable to pay rent during the pandemic or catch up on back-rent owed when landlords were permitted to file new cases again in January 2022. The availability of emergency rental assistance funds through programs such as STAY DC and DC ERAP (discussed below) have been instrumental in keeping thousands of these tenants housed. However, these funds are not a perpetual or inexhaustive resource. The federal funding that supported STAY DC ended in 2022, and the public funds that support DC ERAP are limited. As eviction filings continue to increase, so does the number of tenants whose housing stability is at risk. In 2023, the number of lockouts scheduled (1,783) and carried out (1,068) increased dramatically, with the lockouts carried out approaching pre pandemic levels (not displayed).

<sup>11</sup> The Court resumed limited operations in July 2020 when it started conducting remote hearings.

These data indicate that eviction filings are increasing. Given that most evictions are filed against renters with low income as the number of eviction filings increases, so does the number of potentially unrepresented tenants in the court system and the corresponding need for CLCPP-funded legal services. Indeed, as discussed in the following section, there was an increase in the number of tenants who sought and received legal services from the CLCPP partner network during the current grant year.

## Emergency Rental Assistance Programs (ERAP) in Washington, DC

Tenants who are eligible for CLCPP legal services represent families with low income from historically marginalized communities, most of whom live at or under 250% of the Federal Poverty Guidelines. Most of these families spend over 30% of their monthly income on rent, with many spending more than 50%. With such a high percentage of income dedicated to rent, the housing stability of CLCPP clients is particularly vulnerable to sudden changes in financial circumstances that affect their ability to keep current on rent. If a CLCPP-eligible tenant misses a rental payment, they often do not have the savings or sufficient income to catch up on back rent and pay their current rent, which means that the slightest change to their financial situation can put them at risk of being unhoused.

Under these conditions, publicly available rental assistance money can be critical to keeping residents with low income housed, and, indeed, since the CLCPP evaluation began, **36% of clients who retained possession of their rental unit** did so with the assistance of ERAP funds. Currently, District residents living with low income who have financial difficulty paying back rent demanded by their landlord in an eviction filing can apply for public rental assistance funds through *Washington DC's Emergency Rental Assistance Program (DC ERAP)*. This program receives annual funding but has a cap on the amount of rental assistance money that tenants can receive (up to five times HUD's Rental Reasonable guideline for the zip code and bedroom size) and tenants are only eligible to apply for DC ERAP funds one time in a 12-month period.

Starting in 2020 and running throughout 2021 to help tenants affected by the COVID-19 pandemic, the federally funded *STAY DC program* provided rental assistance to tenants without capping the amount of money that could be distributed to each applicant. This meant that tenants facing eviction could apply for STAY DC funds to pay the full balance of the back rent that they owed to the landlord, allowing them to remain housed. Because clients had a financial pathway to retaining possession of their unit, the CLCPP attorneys could provide some level of legal representation to help access STAY DC funds, repay the landlord, and close the eviction case. When the STAY DC program ended in late October 2021, tenants were redirected to Washington DC's ERAP, which remains the only consistent source of publicly available money that District residents can access to help pay rent arrears.



# CLCPP IMPLEMENTATION TO DATE

## CLCPP CASES CLOSED AND TENANTS SERVED

Since the CLCPP program started in 2018, the funded legal services organizations have collaborated to provide eviction defense services to District residents living with low incomes. Exhibit 2 summarizes the CLCPP implementation by showing the cases closed by the partners during the current grant period (October 2022–September 2023), and since data collection began (August 2019–September 2023). As shown in Exhibit 2, nearly all the cases closed in the current period (94%) and to date (96%) were eviction cases. A further 1% in the current period and 2% to date were administrative cases related to the potential termination of a Housing Choice Voucher.

Although the CLCPP network continued to primarily handle loss of possession cases, during the current grant year, partners began to provide legal services in tenant petition matters, as 3% of cases were for a housing conditions issue and the remaining cases (< 1%) were for another type of tenant petition (e.g., challenging an unlawful rent increase or filing a petition with an agency such as the DC Housing Authority for matter related to their housing subsidy).

**Exhibit 2. Total Number of Tenants Served and Cases Closed (August 2019 to September 2023)**

| Across all 7 CLCPP partners, total number of... | Oct. 2022–Sept. 2023<br># (%) | Total<br># (%) |
|---|-------------------------------|----------------|
| Tenants served                                  | 2,963 (100%)                  | 8,217 (100%)   |
| Total cases closed                              | 3,424 (100%)                  | 10,158 (100%)  |
| Eviction cases closed                           | 3,255 (95%)                   | 9,769 (96%)    |
| Voucher termination cases closed                | 41 (1%)                       | 236 (2%)       |
| Housing conditions cases closed                 | 87 (3%)                       | 87 (1%)        |
| Other tenant petition cases closed              | 11 (< 1%)                     | 11 (< 1%)      |

CLCPP partners can assist tenants with more than 1 case.

Case type is unknown for 29 cases from Oct. 2022–Sept. 2023 and 55 cases total.

## CLCPP CASES CLOSED AUGUST 2019–SEPTEMBER 2023

Exhibit 3 on the following page shows the number of cases closed by CLCPP partners each quarter from August 2019 through September 2023. Exhibit 3 highlights five distinct periods in the time before the current grant year that were impacted by various stages of the COVID-19 pandemic:

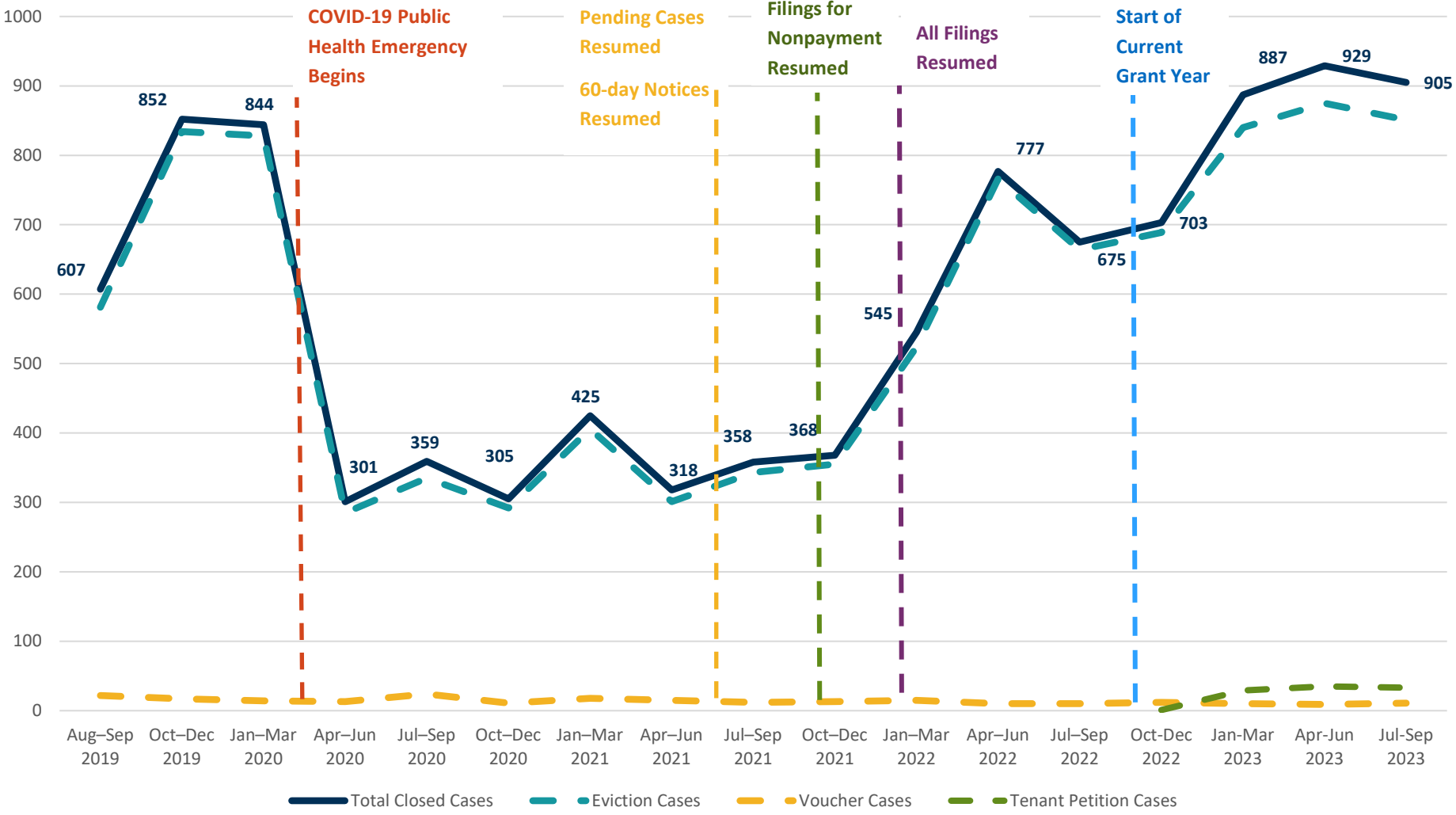
- **Pre-Pandemic Period:** The pre-pandemic period ranged from August 2019 to the middle of March 2020. During this period, the CLCPP partners closed approximately 300 cases per month.
- **Public Health Emergency Period:** From the middle of March 2020 to July 2021, the eviction moratorium was in effect and landlords could not file new cases or proceed with scheduled lockouts. During this period, the CLCPP partners closed approximately 117 cases per month.
- **Moratorium Phase Out Period:** From the end of July 2021 through early October 2021, landlords were permitted to give tenants notice of unpaid rent but not file new eviction cases, and previously scheduled lockouts were able to proceed. During this period, the CLCPP partners closed approximately 137 cases per month.
- **End of Moratorium on New Nonpayment of Rent Eviction Filings:** Starting in early October 2021, landlords were permitted to file new nonpayment of rent eviction cases. During this period, the CLCPP partners closed approximately 123 cases per month.
- **End of Moratorium for All New Eviction Filings:** Starting in January 2022, landlords were permitted to file new eviction cases for any reason. During this period, the CLCPP partners closed approximately 258 cases per month.

**Current Grant Year:** As shown in Exhibit 3, the CLCPP partners closed more cases per quarter during the last three quarters of the current grant year than any prior quarter since data collection began. This increase in the number of cases closed is likely in response to several factors, including:

- ✓ The sustained growth of the LTLAN, which has become the most common point of access for tenants to connect with the CLCPP partner network.
- ✓ Proactive outreach by the CLCPP partners, including ensuring the LTLAN contact information is on all court documents and organizing tenant workshops and community canvassing to connect at-risk tenants to a CLCPP attorney.
- ✓ The continued presence of CLCPP attorneys in person at the courthouse to connect with tenants on the day of their hearing.
- ✓ Providing legal services in “tenant petition” cases (green dotted line in Exhibit 3, starting in Oct-Dec 2022) where tenants want to take action to enforce their legal rights.
- ✓ CLCPP partner advocacy for legislation that requires landlords to provide tenants with 30 days’ notice of an eviction filing, giving tenants more time to find legal help.

Each of these activities is discussed in detail in this report. From September 2022 to October 2023, the CLCPP partners closed approximately 277 cases per month, a similar volume to pre-pandemic months.

Exhibit 3. Number of Cases Closed by Quarter (August 2019 to September 2023)



Due to data availability, the first time period in this chart reflects 2 months, not 3.

# 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 navigate the implementation of post-moratorium legislative changes regarding eviction filings. The following section summarizes selected examples of program activities during the current reporting period.

**CLCPP partners continued to improve the Landlord Tenant Legal Assistance Network (LTLAN).** The LTLAN operates a single phone line for litigants with low incomes to call, Monday–Friday from 9 a.m.–5 p.m., which 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<sup>12</sup>—the information is entered into the shared database for triage and referral. An attorney from one of the CLCPP partners then contacts the caller to conduct a more thorough case assessment and provide legal assistance.

In December 2022, the DC Bar Pro Bono Center deployed a new cloud-based intake and referral platform to replace the original database shared among the partners, intended to streamline the process of coordinated referral. During the first 6 months of 2023, the DC Bar Pro Bono Center collected feedback from partners about the system and used this information to refine its implementation.

Finally, the LTLAN phone number continues to be made available to tenants via official court documents. All pre-court eviction notices sent by landlords to tenants must include the LTLAN phone number, and the Court continues to include the LTLAN phone number on eviction complaint documents, official correspondence to the tenant, and on the Court’s website. During court proceedings, court staff announce the availability of LTLAN services.

**Relaunching the Housing Right to Counsel (HRTC) program.** During the current grant year, the partners relaunched the HRTC program from its hiatus during the COVID-19 pandemic. As part of the HRTC, the partners collaborate to train pro bono attorneys in housing law, which adds capacity to the network. CLCPP attorneys manually review eviction filings to identify tenants who have a scheduled eviction hearing and who have a housing subsidy, and mail letters to a subset of these tenants that guarantee legal representation (based on pro bono capacity). When a tenant calls for services, a CLCPP partner organization conducts a brief intake before referring the tenant to a trained pro bono attorney who is supervised by a CLCPP attorney. The HRTC program expands the network’s capacity to provide District residents facing an eviction with critical legal representation.

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<sup>12</sup> 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 landlords with low incomes and tenants who do not income qualify for CLCPP services.

**CLCPP organizations collaborated to train and engage pro bono attorneys.** The partners hosted two 4-part Basic Housing Law training sessions, one in fall 2022 and one in spring 2023. Partners collaborated and worked with 23 law firms and federal government agencies to place 46 cases with pro bono attorneys between July and June 2023.

**CLCPP grantees played a critical role in advocating for permanent tenant protections.** The CLCPP partners worked with DC Council staff to increase protection for tenants who apply for DC ERAP. These protections include staying evictions while ERAP applications are pending and permitting ERAP funds to be placed in the court registry if a tenant is experiencing housing conditions issues.

CLCPP partners also participated in the *End Rentflation* campaign, which led to the DC Council passing emergency legislation capping rent increases in rent-stabilized properties. Instead of a potential 8.9% increase in 2023, rent increases were capped at 6% beginning July 1, 2023. A provision in the bill also stated rent cannot be increased more than 12% for the following 2 years.

**CLCPP partners rolled out the Eviction Prevention in the Community (EPIC) Project.** The CLCPP partners met with community-based organizations to implement the EPIC project. The EPIC project brings together 10 organizations, including 6 legal services organizations and 4 community-based organizations, that have established a cooperative support structure that is designed to connect District residents who are at risk of an eviction with legal and legal-adjacent services to help promote housing stability. This effort includes:

- Manually reviewing eviction case data to track new filings in real time and make information available to community-based organizations who are canvassing neighborhoods, providing general renter education and legal information, and disseminating the LTLAN contact information.<sup>13</sup>
- Meeting monthly with all 10 partner organizations to discuss project implementation, data collection and distribution, and best practices for connecting tenants to resources.
- Building processes and standards to ensure long-term success of the EPIC project, including the creation of subcommittees, holding regular meetings, and creating an EPIC listserv.
- Cross training between groups, including, for example, training for canvassers on how to read court notices and report information that they have discovered via door knocking.
- Establishing *tenant support specialist* positions in each CLCPP legal services grantee organization to provide clients with a range of support services, including help accessing ERAP funds, finding alternative housing if necessary, and connecting with other needed social services.

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<sup>13</sup> The review of eviction case data has enabled the CLCPP partners to generate a report that summarizes publicly available outcomes of scheduled evictions as recorded by the DC Superior Court. This report is available here: <https://www.canva.com/design/DAFdpmgUsqw/8PoOgGODwACjfGWmICy1Pw/edit>

- Supporting *participatory defense hubs*, operated by community-based organization partners, where residents can connect with peer support representatives who provide information about the eviction process in the District and help tenants who are facing an eviction prepare to interact with the court system.

**CLCPP partners continued to participate in the Landlord Tenant Working Group.** This group meets every 3 weeks to discuss updates and provide recommendations to the Court on process improvements and other topics. This group focuses on providing joint recommendations as issues emerge and disseminates information from this group to all staff at the CLCPP partners.

**The CLCPP partners participated in the Landlord Tenant Rules Committee.** Further, the Court revived and reconstituted the Landlord Tenant Rules Committee, and attorneys at several of the partner organizations were asked to participate in it. The CLCPP partners who are also members of the Rules Committee have worked to ensure that the Court rules tracked the tenant protections enacted through pandemic emergency and temporary legislation, many of which are now permanent. One of the most significant permanent changes is the requirement for housing providers to list the LTLAN in the eviction notices that must be served to tenants before filing a complaint with the Court.

# CLCPP TENANT INFORMATION

Data in this section reflect all cases closed during the current reporting period (Oct. 2022–Sep. 2023). Data for the entire evaluation period (Aug. 2019–Sep. 2023) are shown in the Appendix.<sup>14</sup>

## WHO RECEIVED CLCPP SERVICES?

The CLCPP attorneys served 2,963 CLCPP clients during the current reporting period, impacting a total of 6,117 household members. Of clients with demographic data available,<sup>15</sup> 86% identified as Black or African American and 65% identified as women. Women of color, who tend to disproportionately experience eviction filings, made up 53% of clients.

Many of these cases featured households that were particularly vulnerable to the risks of unstable housing or homelessness created by an eviction. Of the 2,963 tenants served during this reporting period, 1,059 (36%) had at least one minor child living in the household. Additionally, 588 (27%) identified as having a disability or chronic health condition. Further, 35% of tenants who presented for legal help resided in subsidized housing and faced the prospect of losing not only their home, but also their subsidy.<sup>16</sup>

Finally, CLCPP clients typically faced a landlord who was represented by an attorney. Among the 1,802 CLCPP cases closed in the current year where the tenant had been served with an eviction complaint, the landlord was represented by an attorney in 1,706 (94%). This imbalance in legal representation underscores the importance of the CLCPP services.

### CLCPP CLIENT INFORMATION

Of the 2,963 tenants served:



**86%** identified as Black or African American



**65%** identified as women



**53%** identified as a woman of color

Tenants in households that were particularly vulnerable to risks of unstable housing:



**36%** had minors living in the household



**27%** had a disability or chronic health condition



**35%** lived in subsidized housing

Of 1,802 tenants with an active eviction lawsuit:

**94%** faced a represented landlord

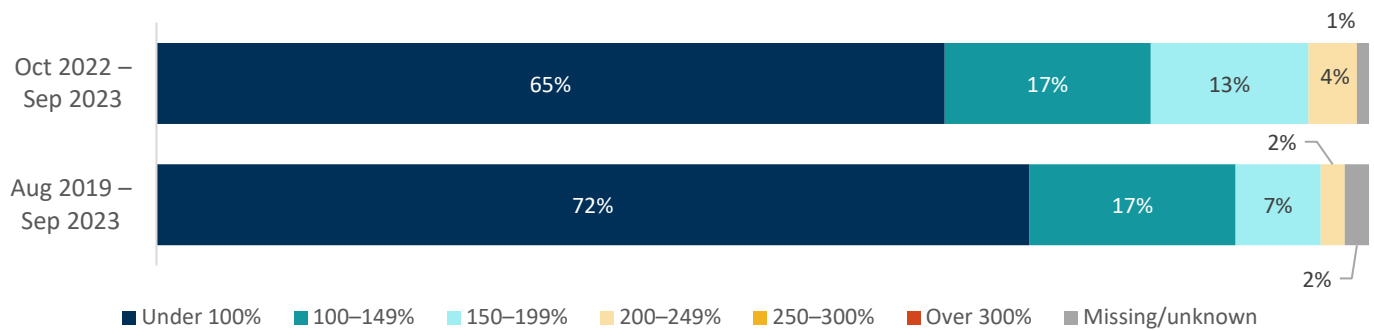
<sup>14</sup> Data are shown for all tenants who received services. In a small number of cases, information was “unknown,” such as when a tenant did not complete all questions on a paper form, or “missing,” because it was not entered into the service database. Descriptive data on client demographics and household risk factors are displayed in Appendix exhibits A1 and A2.

<sup>15</sup> Percentages for demographic characteristics such as race and gender are calculated out of the tenants who reported that information.

<sup>16</sup> Disability status and subsidized housing information status are not collected by Landlord Tenant Legal Assistance Network (LTLAN) intake screeners and are entered later by partner staff. Therefore, these percentages are calculated out of the number of cases that have this information: 2,178 cases in the current reporting period.

**Household income.** To be eligible for CLCPP services, the original statute required that tenants have household incomes not more than 200% of the Federal Poverty Guidelines (FPG). In October 2021, eligibility was expanded to 250% of FPG.<sup>17</sup> In July 2022, the eligibility requirement changed to “low income,” and some CLCPP partners now accept tenants with household incomes up to 80% of Median Family Income (MFI).<sup>18</sup> Exhibit 4 shows the percentage of CLCPP clients whose income falls within the FPG for tenants served during the current reporting period (top bar) and for the entire evaluation period (bottom bar). As shown in Exhibit 4, the distribution of CLCPP clients across the different levels of FPG shifted in the current grant year, likely in response to the changes in statutory eligibility. Between October 2022 and September 2023, a smaller percentage of CLCPP clients had an income under 100% FPG (65% in the current year vs 72% overall), while a higher percentage of tenants had an income between 150%–200% FPG (13% vs 7%) and an income between 250%–300% FPG (4% vs 2%).

**Exhibit 4. Percentage of Clients with Incomes Within Federal Poverty Guidelines**



Despite the shift, CLCPP clients who received services in the current grant year still reported low household incomes (median = \$1,200 per month). As noted above, the NLIHC ranked the District of Columbia as the sixth most expensive jurisdiction in the nation regarding rental housing wages. The Fair Market Rent for a 2-bedroom apartment in the District of Columbia was \$1,838, and monthly income necessary to afford this rent without experiencing rental cost burden was \$6,127.<sup>19</sup> For CLCPP clients whose income and monthly rent were known ( $n = 1,679$ ), **79% spend more than 30%** of their household income on rent, while **60% spend more than 50%**. Only 21% spend 30% or less of their income on rent.<sup>20</sup> As has been the case throughout the program’s history, CLCPP clients are District residents living with low income, most of whom are severely rent burdened.

<sup>17</sup> The Federal Poverty Guidelines (FPG) are published by the U.S. Department of Health and Human Services, available at: <https://aspe.hhs.gov/poverty-guidelines>. In 2024, a family of 4 was at 250% of FPG with an income of not more than \$78,000.

<sup>18</sup> The Median Family Income (formerly called Area Median Income) guidelines are published by the U.S. Department of Housing and Urban Development (HUD), available at: <https://dhcd.dc.gov/publication/2022-2023-inclusionary-zoning-maximum-income-rent-and-purchase-price-schedule>. In 2022, a family of 4 was at 80% of MFI with an income of not more than \$142,300.

<sup>19</sup> [https://nlihc.org/sites/default/files/oor/DC\\_2023\\_OOR.pdf](https://nlihc.org/sites/default/files/oor/DC_2023_OOR.pdf)

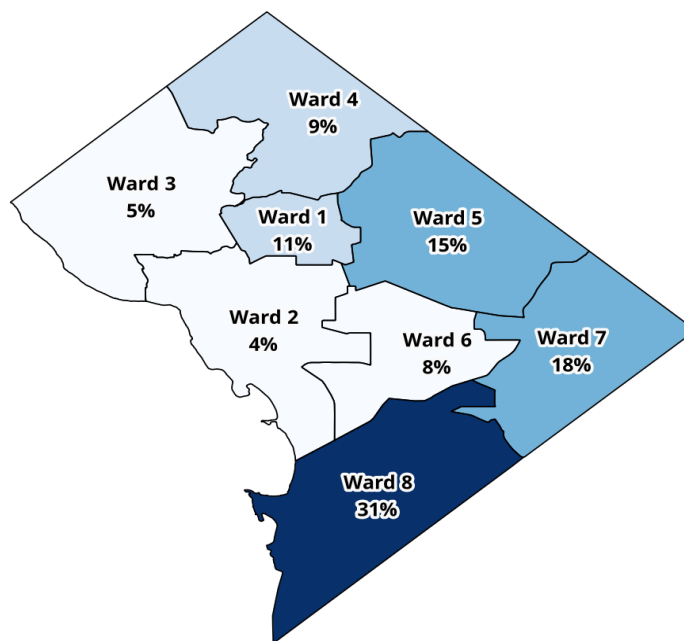
<sup>20</sup> The U.S. Department of Housing and Urban Development (HUD) defines rent burdened families as those who are paying more than 30% of their income on rent. Severe rent burden is defined as paying more than 50% of income on rent.



**Ward of residence.** CLCPP services reached tenants living in every District Ward. Exhibit 5 shows the distribution of CLCPP clients across the District in the current grant year. In particular, among clients served in the past grant year, almost half (49%) lived in Wards 7 and 8. An additional 15% of clients lived in Ward 5. Taken together, 62% of CLCPP clients served in 2023 lived in one of these three wards. Few CLCPP clients (5% or less) reported living in either Ward 2 or 3.

This distribution reflects the historical pattern. Since August 2019, CLCPP clients have largely lived in Wards 8 (28% of clients), 7 (18%), or 5 (14%). Appendix Exhibit A3 presents the percentage of CLCPP clients living in each ward from August 2019 through September 2023.

**Exhibit 5. Percentage of CLCPP Clients Living in Each Ward (October 2022 – September 2023)**



## HOW DID TENANTS ACCESS CLCPP SERVICES?

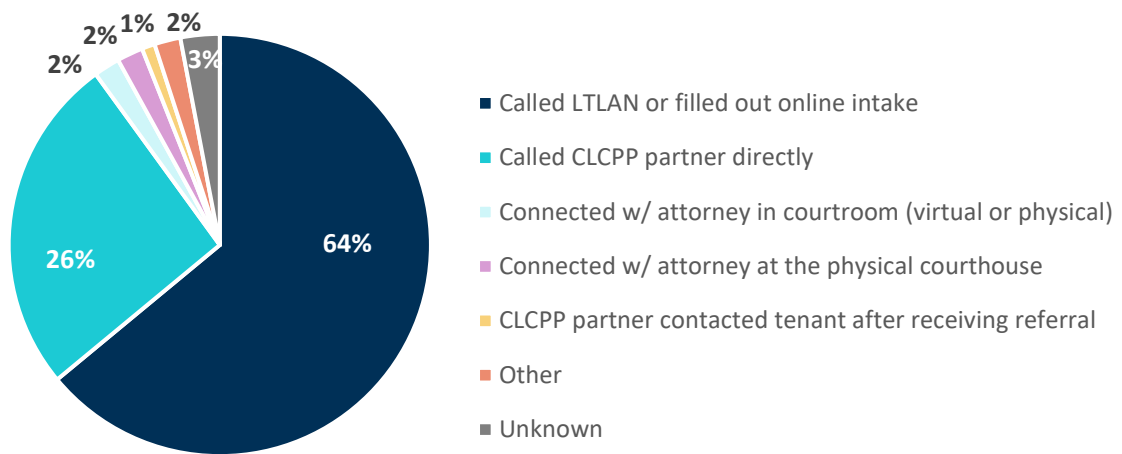
**Referral sources.** Tenants learned about CLCPP services in a variety of ways. Among the tenants who received services,<sup>21</sup> 21% learned about the CLCPP through the Court. This access point included finding information on court materials such as notices, videos, flyers, and the Court website (9%); being referred by court staff such as clerks, mediators, interpreters, and security officers (6%); and being directly referred by a judge (6%). Another 13% of tenants heard about the CLCPP from a trusted source, such as another legal services provider (1%), a community-based organization that provides social services (7%), a medical provider (1%), or word of mouth in their community (4%). In addition, 11% of tenants had previously been a client of a CLCPP partner and returned to that organization for assistance, 4% heard about the services from CLCPP outreach activities (e.g., community information events, social media, outreach letters, etc.), and 5% of tenants were referred to CLCPP through some other method. (Note: Referral source was unknown for 49% of tenants served in this period.)

**Point of first contact.** Tenants have multiple avenues available to contact CLCPP attorneys. As shown in Exhibit 6, the key entry point to CLCPP services is through the Landlord Tenant Legal Assistance

<sup>21</sup> Tenant referral source is not collected by LTLAN intake screeners and is entered later by partner staff. Therefore, these percentages are calculated out of the number of cases that have this information: 2,152 cases in the current reporting period. Percentages are rounded and may not sum to 100%.

Network (LTLAN), a coordinated intake and referral system established by the CLCPP partners. Among the 2,963 tenants served during the current reporting period, 64% connected with services through the LTLAN. Most of the tenants who did not connect through the LTLAN called a CLCPP partner organization directly (26%), while some connected with a CLCPP attorney in the courtroom (2%), at the courthouse (2%), or through referrals from another organization outside of the CLCPP network (1%).

**Exhibit 6. How Tenants Contacted the CLCPP Network (October 2022 – September 2023)**



### The LTLAN is the Primary Access Point to the CLCPP Network

The proportion of tenants who connect with a CLCPP organization through the LTLAN has stabilized since the introduction of the service in 2020. Fewer than half of the tenants served by the CLCPP came to the network through the LTLAN during its pandemic-affected first year. Since then, nearly two-thirds of clients have accessed CLCPP services by contacting the LTLAN during each of the past 2 grant years.

### Percentage of Clients Who Connected to the CLCPP Using the LTLAN



The emergence of the LTLAN as the primary entry point for CLCPP services is the product of a multi-pronged approach by the network to promote the service to tenants who are at risk of losing their rental housing. Over the past 2 years, the CLCPP partners have successfully advocated for a legislative requirement that the LTLAN contact information be included on every official document that a tenant

receives as part of the eviction process, including the initial notice, the official complaint, and any correspondence sent by the Court about the tenant’s upcoming legal proceedings.

Additionally, the CLCPP partners continue to engage in proactive community outreach that includes hosting Know Your Rights workshops where tenants receive the LTLAN contact information; establishing referral partnerships with community-based organizations that can refer clients with legal needs to the LTLAN; and coordinating community outreach where a canvasser will knock on the doors of tenants who are at risk of an eviction, provide information about the LTLAN, and help the tenant complete the LTLAN online intake form.

LTLAN intake data suggest that these efforts to promote the service have been successful. Exhibit 7 displays the number of calls to the LTLAN since January 2022 and the number and percentage of those calls that were referred for CLCPP services (CLCPP eligible callers), separated into 6-month intervals. The data show a steady increase in volume since January 2022.<sup>22</sup> During this period, the LTLAN saw a 19% increase in the number of calls to the service, and a 14% increase in the number of calls that were referred to the CLCPP partners for further review and service determination. The percentage of LTLAN callers who were referred for services has hovered around 50% since January 2022.

**Exhibit 7: LTLAN Contacts and Referrals (January 2022 – June 2023)**

|   | January–June 2022 | July–December 2022 | January–June 2023 | Percentage Increase 2022–2023 |
|---|-------------------|--------------------|-------------------|-------------------------------|
| All calls to LTLAN  | 2,133             | 2,357              | 2,535             | +19%                          |
| Calls referred to CLCPP partners (percentage of total contacts) | 1,039 (49%)       | 1,168 (50%)        | 1,186 (47%)       | +14%                          |

During the 3-month period between July–September 2023 (the end of the current reporting period), the LTLAN fielded **1,310 contacts** and made **576 (44%) referrals** to the CLCPP partners (not displayed). If the volume over these 3 months is sustained for another 3 months, the number of contacts to the LTLAN will have continued to increase. The number of referrals, however, will not have increased and the percentage of callers referred may decline further.

<sup>22</sup> LTLAN “calls” includes live calls, voicemails, online intakes, and tenants who receive services in person and get routed to the LTLAN.

The changes over time in the number of calls received and the proportion of callers being referred for services are, in part, a reflection of the shift in LTLAN referral triage protocols that have changed which callers are considered eligible for a referral to a CLCPP attorney for legal services. When the LTLAN first went into operation in June 2020, a caller who was income eligible and had a legal issue related to a potential loss of possession could be referred to the network partners for services. As the number of calls has increased, the LTLAN referral criteria has narrowed to better align with the attorney capacity and to ensure that tenants with the most urgent needs are prioritized for help. Currently, tenants are referred to the CLCPP partners for legal services only when they **are income eligible and have an active case**, either an eviction case has already been filed against them by their landlord or they have been illegally locked out of their home.

Tenants with an active eviction case, but who are not income eligible for CLCPP services, are referred to the Landlord Tenant Resource Center (LTRC) where they may receive legal information or brief assistance from a volunteer attorney. Under the current LTLAN referral guidelines, tenants who call the LTLAN without an active eviction case (i.e., the landlord has not filed an eviction complaint with the Court) are not referred for legal services from a CLCPP attorney. Instead, the LTLAN intake staff provide legal information (via a specialized script developed by the CLCPP attorneys) to inform the tenant about their next steps<sup>23</sup> and refer them to other resources outside of the CLCPP. During the first part of the grant year, these tenants were referred to the LTRC, but later in the year, capacity constraints and the decision to prioritize tenants at imminent risk of at lockout precluded LTRC referrals for tenants in the notice stage.<sup>24</sup> This adjustment in LTLAN referral guidelines has allowed the CLCPP partners to continue to sustain the coordinated intake service at a level that better matches the network's capacity to provide legal services while the number of callers increases.

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<sup>23</sup> The CLCPP attorneys have developed several scripts for LTLAN intake workers to use that impart legal information that can help tenants in certain situations better understand their rights and responsibilities.

<sup>24</sup> Tenants without eviction complaints are still referred to LTRC when they seeking to address housing code violations or when they are facing severely substandard housing conditions (a de facto eviction).

# DIRECT LEGAL SERVICES

This section presents data to reflect the direct legal services provided by the CLCPP partners.<sup>25</sup> With grant funds, CLCPP partners provide a continuum 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

**Legal information** – general information regarding legal rights and responsibilities or explanation of options (not legal advice)

**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 as the attorney of record

This section is divided into three parts that separately discuss CLCPP Service Data for three types of cases: **eviction cases**, **Housing Choice Voucher termination cases**, and **tenant petition cases**, primarily petitions requesting that landlords repair substandard housing conditions. For each case type, data are shown to reflect the number of cases closed by CLCPP partners and the CLCPP services provided. When available, outcome data are presented, including how cases were resolved (e.g., trial, settlement agreement, dismissal), outcomes of the case (e.g., which party had possession of the unit, the status of the voucher, the status of repairs), and the degree to which the outcomes aligned with the tenant's wishes.

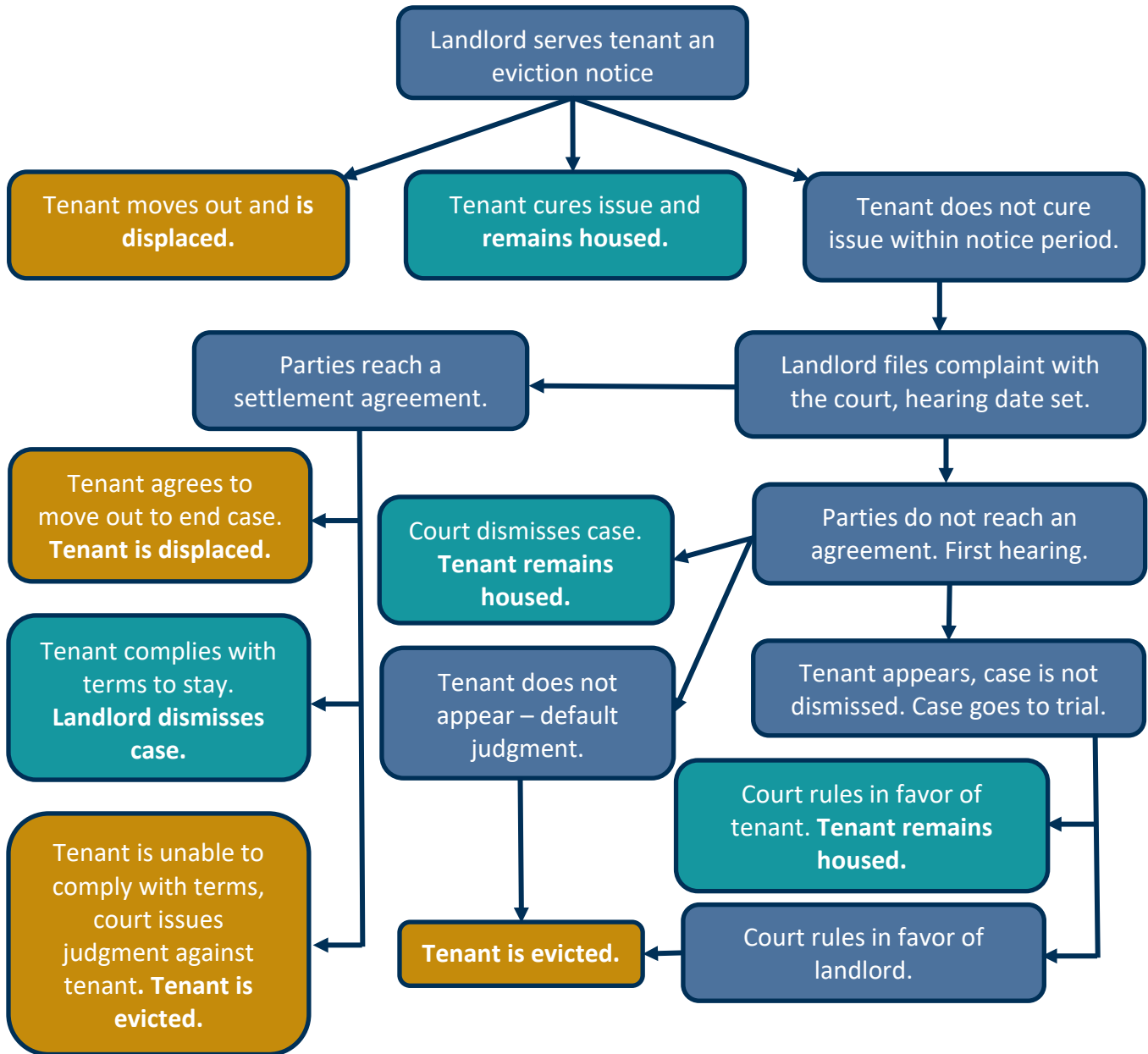
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<sup>25</sup> Legal services staff enter data when they have completed providing services for a case. In some instances, services end (providers close the case) when the case is resolved by the Court. In other instances, services are provided for a limited period of time and services may end (and the case may be closed by the provider) before the case has been resolved by the Court.

## EVICTON CASES

Although there are nuances that can affect a case flow, an eviction case generally involves the following steps:

**Exhibit 8: Eviction Process in Washington, DC**



As shown in Exhibit 8, an eviction case begins when the landlord issues a *notice* to the tenant that demands that the tenant cure an alleged violation of the lease, typically non-payment of rent,<sup>26</sup> or vacate the rental unit. Under the new legislative requirements for eviction filings, the landlord must give the tenant 30 days to respond to the notice before they can proceed with filing the case in court. Landlords are also required to include the contact information for the LTLAN on the eviction notice. After receiving the notice, tenants can either vacate the unit, cure the alleged violation, or remain in the unit without curing the violation, in which case the landlord can file a complaint after the 30-day period has lapsed. *Tenants in the notice period are not yet facing an active eviction lawsuit.*

When a landlord files an eviction complaint with the Court, a hearing date is set. The landlord is then required serve the tenant with the complaint at least 21 days before the date of the hearing. *When a tenant is served with the complaint, they then face an active eviction lawsuit.* At this stage, the parties can end the case via a negotiated settlement agreement that is filed with the Court to resolve the case without a hearing. In some cases, the tenant agrees to move out, sometimes in exchange for a reduction in the amount of rent demanded or for additional time to find alternative housing. It is also possible that the negotiated settlement allows the tenant to remain in the unit, providing that the tenant complies with the other terms of the agreement. If the tenant complies with the terms, then they can remain housed; however, if they do not, then the landlord can petition the Court for a writ of restitution, which allows them to schedule a lockout and evict the tenant.

If the parties do not resolve the case with a negotiated settlement agreement, then the case will proceed to trial. The first step in this process is the initial hearing. If the tenant does not appear at this initial hearing, then the Court will issue a default judgment against the tenant, and the landlord can schedule a lockout and evict the tenant. If the tenant does appear, then the Court can dismiss the case, which will typically happen if the landlord's complaint was legally insufficient, or the tenant was not properly served with the complaint in advance of the hearing. If the tenant appears and the case is not dismissed, then it will proceed to a trial where the judge will consider the merits of the landlord's eviction complaint. If the Court rules in favor of the tenant, then the tenant can remain housed; however, if the Court rules for the landlord, then the tenant is evicted and faces an imminent lockout.

Finally, if the landlord is issued a writ of restitution in an eviction for non-payment of rent and schedules a lockout, a tenant may redeem their tenancy at any time before they are locked out, and therefore remain housed, by paying back rent owed.

Exhibit 9 on the following page summarizes the number of eviction cases closed by CLCPP partners between October 2022 and September 2023, and indicates the number of cases that featured tenants who came to the CLCPP before an eviction complaint was filed, as well as the tenants who presented for services after being served with a complaint. As described above, tenants who contact the LTLAN without an eviction complaint are not referred for CLPP services, so the number of these tenants served by the network is lower than in prior reporting years.

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<sup>26</sup> Landlords can only initiate an eviction action for non-payment of rent if the amount demanded is at least \$600.

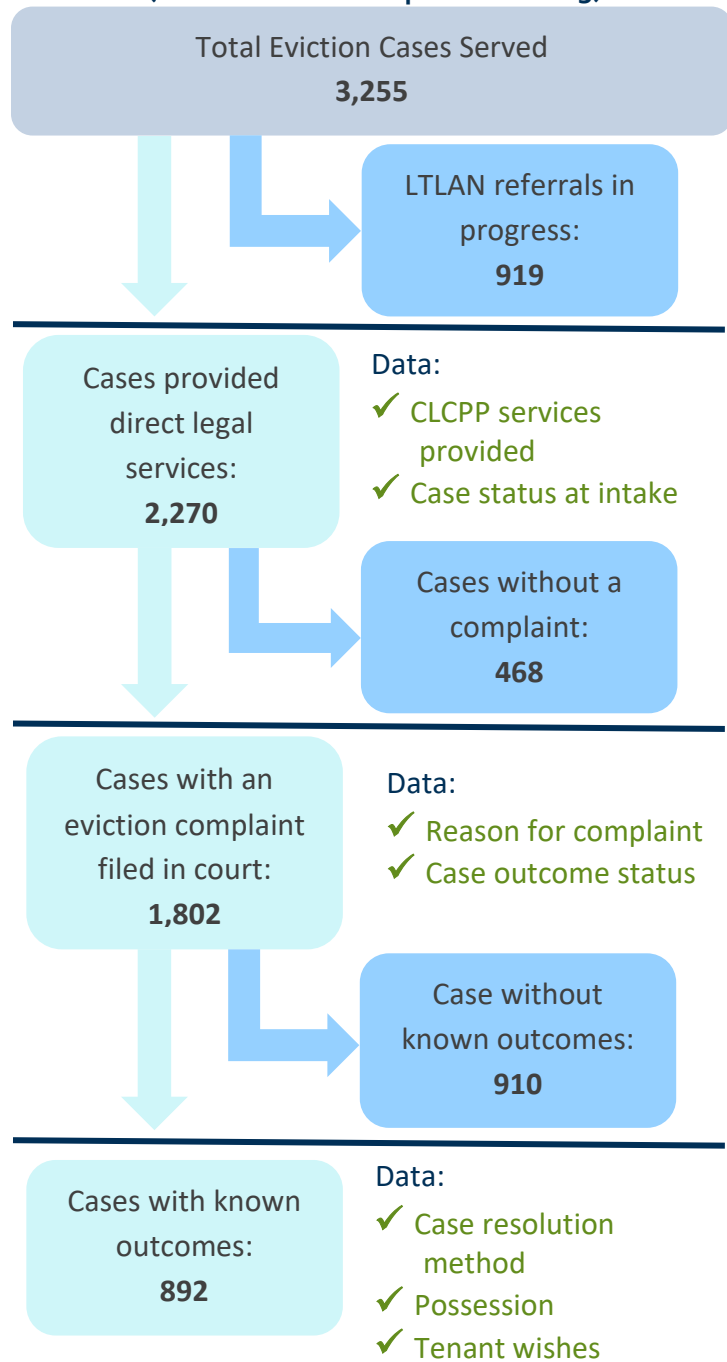
## Characteristics of Eviction Cases

As shown in Exhibit 9, a total of 3,255 eviction cases were handled by CLCPP partners between October 2022 and September 2023. Of this total, 919 (28%) were LTLAN-referred cases that were still in progress<sup>27</sup> at the time of this report, 7 (< 1%) were referred to a pro bono attorney outside of the CLCPP network, and 17 (1%) were missing service data information. The remaining 2,270 (70%) cases received some level of direct legal services from the CLCPP partners beyond the initial intake screening.

Of the 2,270 cases that received CLCPP services, **468 (21%) involved tenants who contacted the CLCPP before the landlord had filed a complaint** with the Court. These tenants received a notice of eviction but were not facing an active lawsuit at the time that they presented for CLCPP services. The remaining **1,802 cases (79%) involved tenants who had a complaint filed against them in court** when they came to the CLCPP, and, therefore, were facing an active eviction case. **Among the 1,802 cases featuring an eviction complaint, the landlord cited non-payment of rent as the basis for the eviction in 1,476 (82%).**

Finally, case outcomes were known for 892 cases. This group represents 49% of the total cases that had a complaint filed, 39% of cases that received services beyond an intake screening, and 27% of all eviction cases handled by the CLCPP from October 2022–September 2023.

Exhibit 9: CLCPP Eviction Cases Served (October 2022 – September 2023)



<sup>27</sup> LTLAN staff had conducted an intake and had referred the case to a CLCPP partner, but the partner had not yet closed the case.



## Amount Demanded by Landlords in Eviction Cases

Among the 1,476 eviction cases filed for non-payment of rent, 1,183 had information about the amount of money demanded by landlords on the complaint. Of these, 112 featured tenants who had some type of housing subsidy. In these 112 cases, the amount demanded varied from \$654 to \$46,175. The median amount demanded was \$4,541, while the mean was \$7,047.<sup>28</sup> Among the remaining 1,071 cases for tenants who did not have a subsidy, the amount demanded varied from \$1 to \$123,000. The median amount demanded was \$7,762 and the mean was \$10,498.

These debt amounts are best understood in the context of the monthly rent amounts paid by tenants. Of the 112 tenants living in subsidized housing, the median rent amount for which they were responsible was \$399 per month, meaning that, on average, landlords demanded almost 1 year of rent from these tenants. In contrast, among tenants in the 1,071 cases without a subsidy, the median rental amount was \$1,265 per month, which means that landlords demanded, on average, just over 6 months' rent from tenants.

## Legal Services Provided by the CLCPP Partners

The increase in tenants seeking legal help from the CLCPP network during the grant year has prompted the partners to adjust their approach to service provision, based on tenants' legal needs, case urgency, and available capacity. In response to the increased demand, the CLCPP partners developed triage protocols to prioritize serving tenants who face an imminent risk of being unhoused through an eviction action, and they more often provided limited scope assistance such as advice and counsel to address clients' needs while maximizing attorney resources.

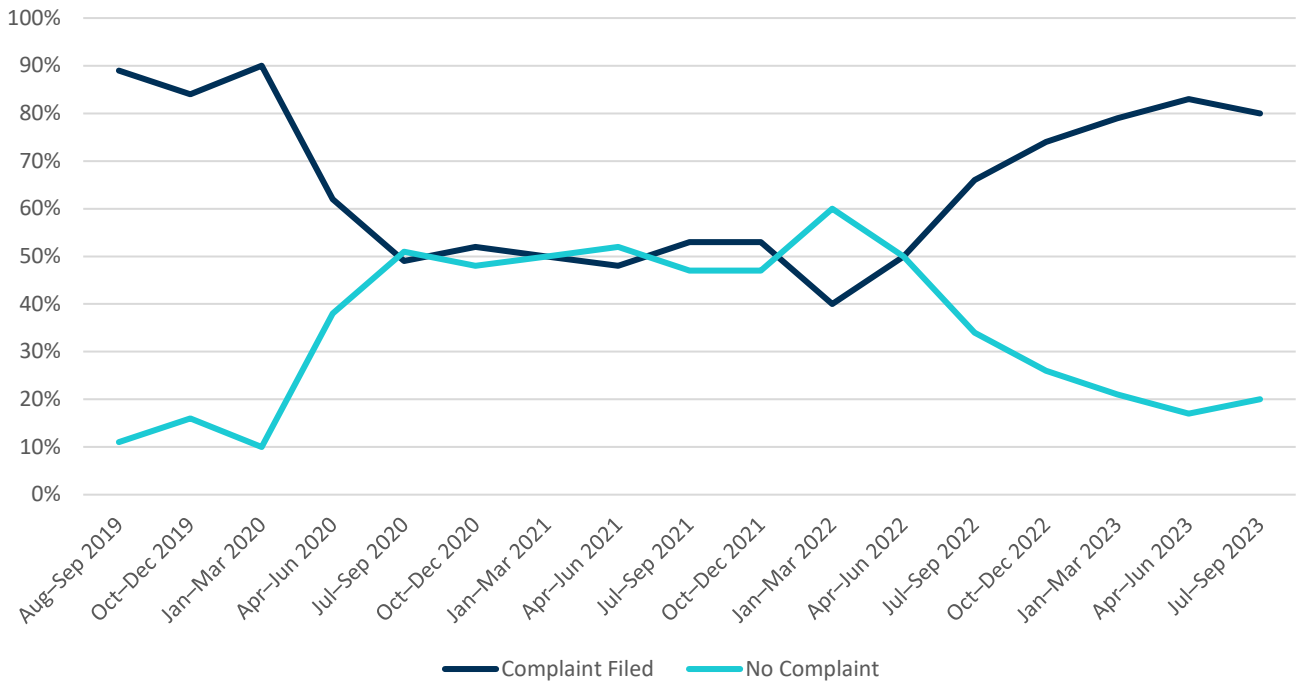
**Partners prioritized serving tenants with an active eviction lawsuit.** Exhibit 10 on the following page illustrates the proportion of tenants who had a complaint filed against them (dark blue line) and who did not (light teal line) at the time of CLCPP intake. As seen in the exhibit, the proportion of tenants served by the CLCPP who had a complaint at the time of intake has shifted over time. Before the COVID-19 pandemic, close to 90% of tenants served by the CLCPP had an active eviction case. However, during and immediately after the public emergency period, while some of the pandemic-era tenant protections were in place, many tenants who presented for services did not have an active case, primarily because the local moratorium halted or limited eviction filings.

In the past year, also shown in Exhibit 10, the proportion of CLCPP clients who had an eviction complaint filed at intake has notably increased, resembling pre-pandemic levels. This trend reflects the shift in the LTLAN triage protocols [discussed in the above section (pages 23 – 25)] that prioritized routing clients with an active eviction case to the CLCPP partners for services.

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<sup>28</sup> Median refers to the middle value (the 50<sup>th</sup> 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 are more stable.

**Exhibit 10. Percentage of CLCPP Clients With and Without an Eviction Complaint Filed at Intake (August 2019–September 2023)**



*Note.* Exhibit 10 displays the cases that were served by the CLCPP partners and had information about the status of the eviction case at intake.

**Service provision has shifted towards advice and counsel.** Exhibit 11 on the following page displays the percentage of CLCPP clients that received each type of service from August 2019 through September 2023. (If a client received more than one service, they are counted once under the highest level of service.) As shown in Exhibit 11, across the full year from October 2022–September 2023, 50% of tenants received legal advice and counsel (yellow line). During the entire grant year, another 7% received brief services (light blue), while 40% received some form of representation, either limited scope (red line; 21%) or full (teal line; 19%).

The increase in cases receiving legal advice during the current grant year is likely related to the increase in the number of cases closed during that time. As the number of tenants accessing the CLCPP has increased, the partners have committed to providing at least some level of services to as many tenants as possible. As part of this approach, CLCPP attorneys provided more advice and counsel to tenants that helped them navigate their eviction case without an attorney. This advice was designed to help tenants remain housed, to help mitigate the impact of an eviction, as well as to provide information about the available non-legal support services in place to help tenants find new housing if they needed to move out.

**Exhibit 11. Percentage of CLCPP Clients that Received Each Level of Service (August 2019–September 2023)**

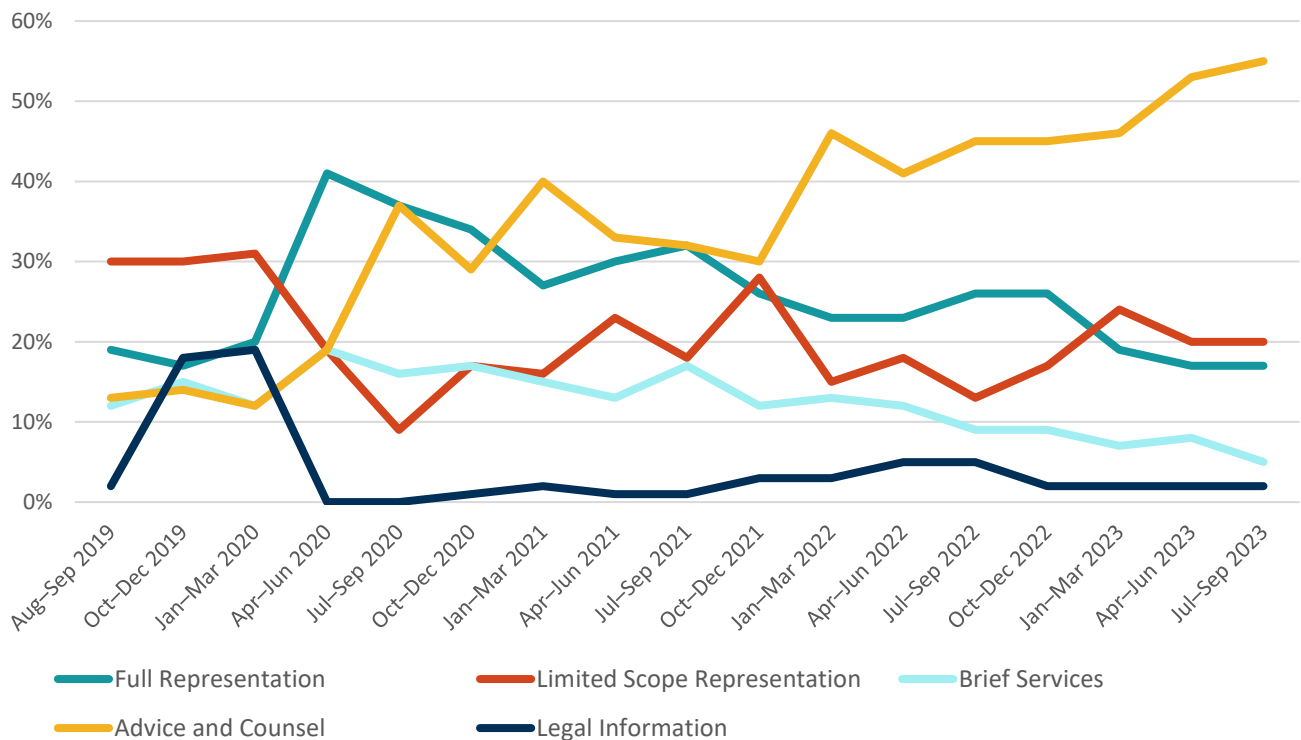


Exhibit 11 also shows that the percentage of cases for which the attorneys provided full representation returned to pre-pandemic levels. During and immediately after the pandemic, the CLCPP attorneys were able to provide a greater proportion of clients with full representation because there were fewer total cases, due in part to the eviction moratorium and the post-pandemic legislation that changed the eviction filing requirements.

Finally, the decrease in the percentage of tenants who receive either brief services or limited representation may be related to the shift in workflow created by the pandemic and subsequent closure of the Court. Before the pandemic, attorneys had a physical presence in the courthouse and provided same-day representation or brief legal assistance to tenants in person. During the pandemic, however, attorneys were providing legal advice to tenants who called the CLCPP with questions about their rights and responsibilities under the eviction moratorium. Although the Court has reopened, and CLCPP attorneys reestablished a physical presence in the courthouse, the shift in court operations has led to fewer tenants appearing in person, so there have been fewer tenants who need limited representation or brief services.

## Tenant Responses to Eviction Complaint and Defenses Raised

**Responses filed by tenants.** Tenants in cases with a complaint have the opportunity to file a formal response to the complaint (e.g., answer, motion to dismiss) 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 12 shows the types of responses filed by tenants in the 1,802 cases with data about the complaint. As shown, tenants in 1,065 cases (59%) either did not file a response or did not file a response immediately but reserved the right to do so later. When tenants filed a response, they most commonly filed an answer (18%), a jury demand (15%), or a dispositive motion (11%).

**Exhibit 12. Tenant Response to Eviction Complaint (October 2022–September 2023)**

| Type of Response Filed   | Total # (%) |
|--|-------------|
| Nothing ever filed   | 859 (48%)   |
| Nothing filed, but right to file answer/response reserved  | 206 (11%)   |
| Answer   | 320 (18%)   |
| Jury demand  | 278 (15%)   |
| Dispositive motion (motion to dismiss, motion for judgment on the pleading, motion for summary judgment, etc.) | 206 (11%)   |
| Counterclaim: require landlord to make repairs   | 96 (5%)     |
| Recoupment of overpaid rent  | 91 (5%)     |
| Set off for expenses paid  | 47 (3%)     |
| Counterclaim: recovery of overpaid rent  | 50 (3%)     |
| Plea of Title  | 2 (< 1%)    |
| Other  | 83 (5%)     |
| Unknown or missing data  | 226 (13%)   |
| Total Cases  | 1,802       |

*Note.* Tenants can file more than one response.

**Defenses raised by tenants.** Tenants submitted a legal defense in 670 (37%) of the cases that had a complaint. Among these 670 cases, tenants raised both substantive (e.g., housing conditions, retaliation, etc.) and procedural (e.g., insufficient notice, improper service) defenses. The most common defense raised by CLCPP clients was that the landlord breached the lease agreement by failing to keep the rental unit in good condition (38% of cases with a defense), followed by a defense that alleged defects in the notice to quit (25%). Tenants alleged that there was a defect in the complaint itself in 13% of cases, that the notice was not properly served in 13%, and that the complaint

was not properly served in 10%. Finally, tenants denied the landlord's allegations in 9% of cases, alleged retaliation in 9%, contested the rent claimed by the landlord in 6%, and asserted discrimination as a defense in 5%. Taken together, analysis of the defenses raised by tenants suggests that, while the most common defense alleges substandard housing conditions, tenants are more likely to assert procedural defenses that argue the landlord did not properly prepare or serve either the eviction notice or complaint.

## Outcomes Achieved in Eviction Cases

When entering service data, attorneys are asked to input information about case outcomes, if they know them. Two inherent limitations to these outcome data bear noting:

- Outcomes are only known for cases **in which a complaint was filed**.
- Attorneys **only know the outcomes of the cases that they help to resolve**, which are primarily those that receive some level of representation.

While these outcome data are important to examine, they are biased toward certain types of cases and services and may not adequately represent the full population of eviction cases (see Exhibit 9 above).

**Therefore, they should be interpreted with caution.**

During the current reporting period, attorneys entered outcome data for a total of **892 eviction cases**, which represent 49% of the total cases that had a complaint filed, 39% of cases that received direct services, and 27% of all eviction cases handled by the CLCPP from October 2022 through September 2023. Of these 892 cases, 77% received some level of representation (46% full scope, 31% limited scope), while 17% received advice and counsel, 5% received brief services, and 1% received legal information.

## How Eviction Cases Were Resolved

Exhibit 13 on the following page shows how the 892 cases closed in the past grant year (first column) and how the 2,741 cases closed since August 2019 (second column) with outcome data were resolved. As displayed in Exhibit 13, cases typically resolved either by dismissal or by settlement. During the current grant year, 58% of cases were dismissed (17% by the Court, 41% by the landlord), which is higher than the 49% of cases dismissed (14% by the Court, 35% by the landlord) since the evaluation began. The current grant year has seen a corresponding decrease in the percentage of cases that resolved via a settlement (30%) when compared to the cases that settled during the entire data collection period (35%).

According to the CLCPP attorneys, this higher percentage of dismissals in the current grant year is likely due to landlords' unfamiliarity with new legislation that was designed to extend some tenant protections after the eviction moratorium ended. Many landlords were not familiar with these new procedural requirements and filed eviction complaints that did not satisfy the updated guidelines.

### Exhibit 13. Resolution of Eviction Cases (October 2022 – September 2023)

| How eviction cases were resolved  | Reporting Period<br>(Oct 2022–Sept 2023)<br># (%) | Total<br>(Aug 2019–Sep 2023)<br># (%) |
|---|---|---------------------------------------|
| Total number of cases with a complaint filed  | 1,810 (100%)                                      | 5,241 (100%)                          |
| Number of cases with a complaint and outcome data                                   | 892 (49%)   | 2,741 (52%)                           |
| <b>Of cases with a complaint and outcome data, number that were resolved via...</b> |   |                                       |
| Notice withdrawn  | 9 (< 1%)  | 12 (< 1%)                             |
| Court dismissal   | 152 (17%)   | 389 (14%)                             |
| Landlord dismissal without terms  | 368 (41%)   | 960 (35%)                             |
| Consent/confessed judgment  | 9 (1%)  | 32 (1%)                               |
| Default judgment  | 18 (2%)   | 48 (2%)                               |
| Settlement agreement  | 267 (30%)   | 952 (35%)                             |
| Judgment at trial   | 8 (1%)  | 27 (1%)                               |
| Court ruling (not through dismissal or trial)                                       | 7 (1%)  | 37 (1%)                               |
| Landlord’s motion for judgment to terminate stay <sup>a</sup> granted               | 10 (1%)   | 52 (2%)                               |
| Landlord’s motion for judgment to terminate stay <sup>a</sup> withdrawn             | 1 (< 1%)  | 41 (1%)                               |
| Landlord’s motion for judgment to terminate stay <sup>a</sup> denied                | 2 (< 1%)  | 12 (< 1%)                             |
| Court dismissal due to eviction filing during moratorium                            | 0 (0%)  | 31 (1%)                               |
| Other   | 36 (4%)   | 138 (5%)                              |
| Unknown   | 5 (1%)  | 10 (< 1%)                             |

Grant Year = Oct. 2022 – Sep. 2023. Of 892 cases, 46% received full representation, 31% limited scope representation, and 22% advice or brief services.

Total = Aug. 2019 – Sep. 2023. Of 2,741 cases, 50% received full representation, 31% limited scope representation, and 17% advice or brief services.

<sup>a</sup> 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.

Most commonly, the 41% of cases that ended via landlord dismissal reflected a final resolution of the issue, either because the tenant paid all the rent owed (51%) or corrected the alleged lease violation (7%). Another 15% of landlord dismissals were due to a technical defect with the notice or the complaint and were likely dismissed *without prejudice*, which means that the landlord could refile the case correctly in the future. Legal services in cases that are dismissed without prejudice are still critical, because tenants without an attorney are not likely to know when an eviction filing is insufficient and may either self-evict by moving out without asserting their rights or fail to earn a dismissal during a court hearing. CLCPP services protected tenants from legally insufficient filings and often gave them additional time to either correct the alleged lease violation or find a new place to live.

## Amount Owed at Case Resolution

Among the 892 cases with outcome data, neither the tenant nor the landlord was ordered to pay an amount of money to the other in 667 (75%). The landlord agreed to waive the money demanded in 95 cases (11%), the tenant was ordered to make payments to the landlord in 94 (11%), and the landlord was ordered to make payments to the tenant in 25 (3%).<sup>29</sup>

Among the 94 cases where the tenant was ordered to make payments to the landlord, the amount tenants were ordered to pay varied from \$65 to \$30,344. The median amount tenants had to pay was \$4,378, while the mean was \$6,534. Of the 25 cases where the landlord was ordered to pay the tenant, the median amount to pay was \$2,000, while the mean was \$4,995 (range: \$500 to \$35,000).

## Possession of the Property

Of the 892 cases closed by CLCPP attorneys during the current grant year with outcome data, **tenants retained possession of the unit in 676 (76%) and possession reverted to the landlord in 216 (24%)**. Of the cases that ended with landlord possession, tenants moved out to resolve the issue in 140 (65%).

**Services received and possession outcomes.** Exhibit 14 shows the legal services received by CLCPP clients in four categories of subsequent possession:

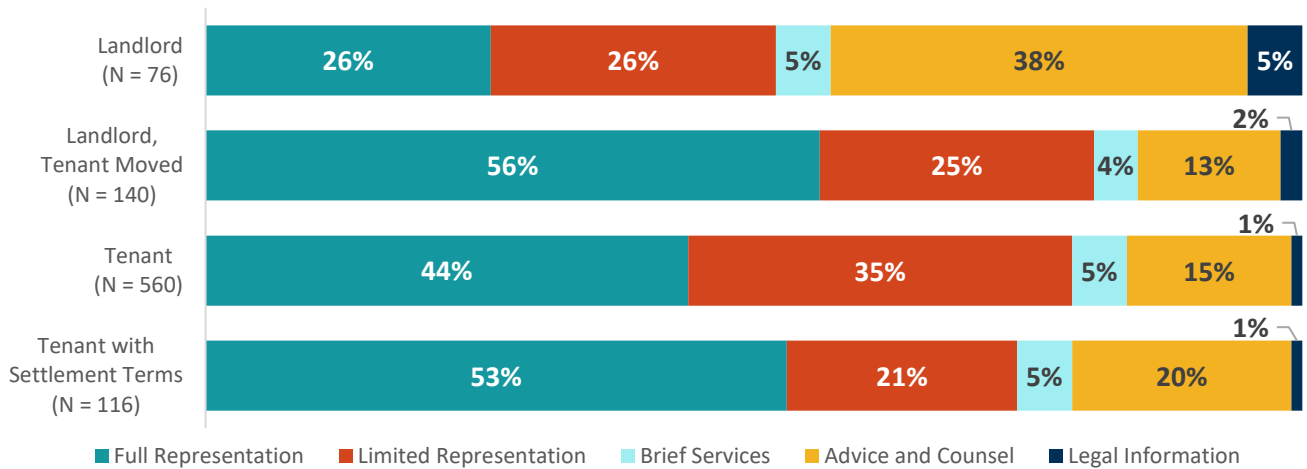
- landlord regained possession outright (76 cases),
- landlord regained possession because the tenant moved out (140 cases),
- tenant retained possession outright with no conditions (560 cases), and
- tenant retained possession under the conditions of a settlement agreement (116 cases).

As shown in Exhibit 14, CLCPP clients in cases that ended with the landlord possessing the unit outright (top bar) were more likely to have received advice and counsel (38%) and less likely to have received full representation (25%), compared to clients whose cases ended in other ways. The service distribution for clients who moved out of the unit to end the case (second bar; 13% advice, 25% limited scope representation, and 56% full representation) was similar to that of clients who retained possession if they complied with terms of a settlement (bottom bar; 20% advice, 21% limited scope representation, and 53% full representation). This pattern may be due to a higher rate of negotiated agreements in these two categories (in some cases, tenants will agree to move out in exchange for other favorable terms such as reduced rental debt). Among clients who retained possession of their unit outright (third bar), 15% received legal advice, 35% received limited scope representation, and 44% received full representation. The higher rate of limited scope representation (and the corresponding lower rate of full representation) among this group may reflect the “winnability” of these cases, perhaps due to viable tenant defenses, that made it possible for CLCPP attorneys to resolve the case favorably with a limited appearance.

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<sup>29</sup> Information about whether either party was ordered to make payments was unknown in 48 (5%) of cases and missing in 3 (< 1%).

**Exhibit 14. Legal Services Received by Tenants, Split by Possession Outcomes for Cases Closed October 2022–September 2023**



**Case resolution and possession outcomes.** While it is encouraging that most tenants (for whom outcome data are available) retained possession of their rental unit, looking at possession alone does not tell the full story. Contextualizing possession by considering how the cases were resolved allows for a complete picture of how tenants were impacted by the eviction case.

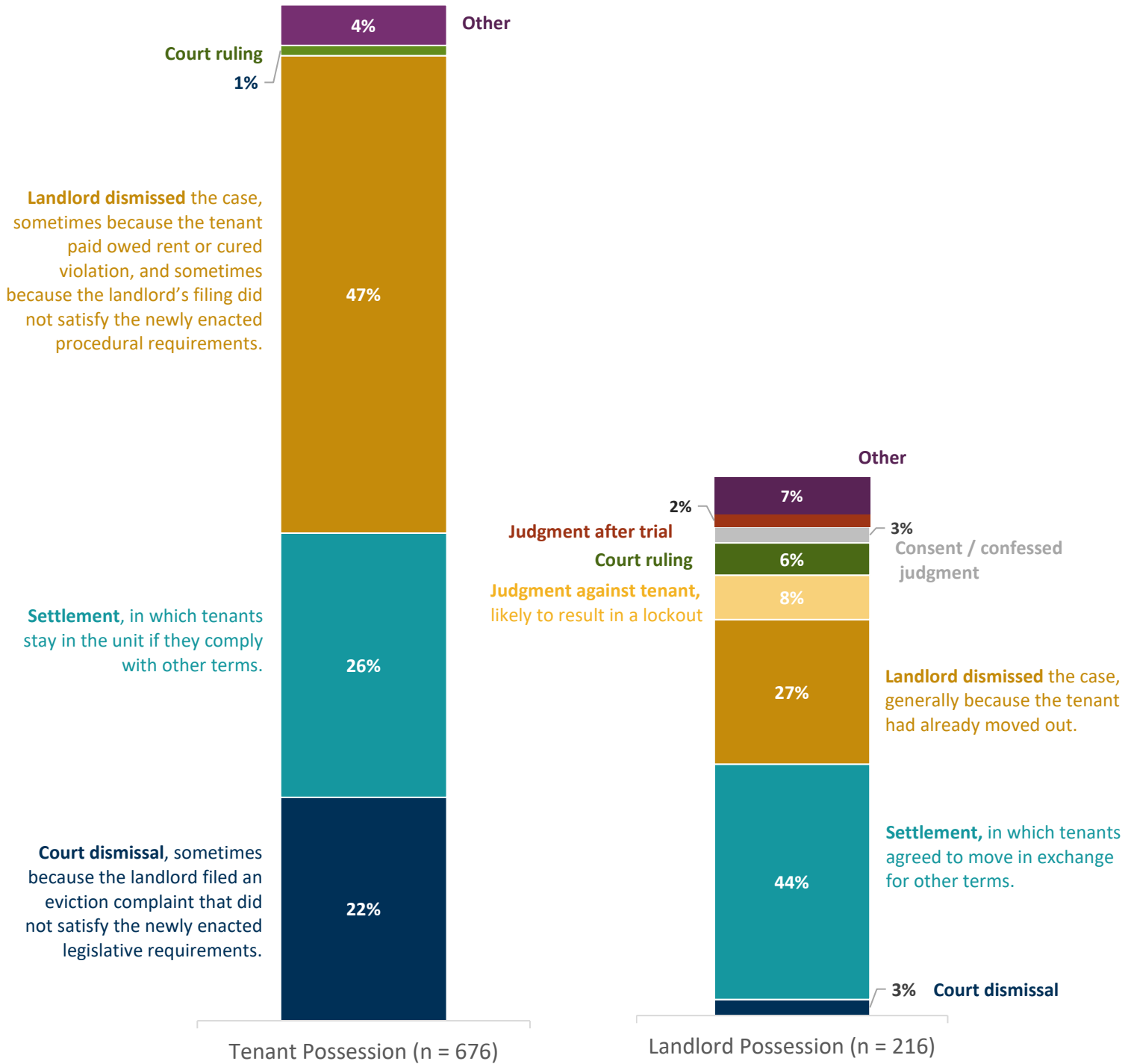
Exhibit 15 on the following page shows the method of case resolution among the 676 cases in which the tenant retained possession and, separately, among the 216 cases in which the landlord regained possession. As shown in Exhibit 15, when tenants retained possession, they often did so outright due to the Court dismissing the landlord’s eviction filing (22% of tenant possessions) or because the landlord dismissed the case (27%).<sup>30</sup> An additional 25% of cases ending in tenant possession resolved under the terms of a negotiated settlement that allowed tenants to say if they complied with certain terms.

Landlords often possessed the unit because of a settlement agreement (44% of landlord possessions) in which tenants may have agreed to move in exchange for other benefits such as reduced rental debt. Landlords also gained possession when tenants chose to move out of the unit before a hearing had occurred, leading the landlord to dismiss the case (27%). Only 20% of cases ending in landlord possession—5% of overall cases with outcome data (not displayed)—were the result of an unfavorable ruling against the tenant, such as a judgment after trial, that put them at risk for a lockout. *To be clear, this small group—just 5% of cases with outcome data, all of whom had eviction complaints filed against them—represents tenants who were subject to an actual eviction at the end of the case.*

<sup>30</sup> As noted on page 35, over half of the landlord dismissals represented the final resolution of the issue because the tenant either paid rent or cured the lease violation. However, some of the landlord dismissals were *without prejudice*, meaning that the underlying issue may not have been resolved and that the landlord could refile the eviction lawsuit in the future.



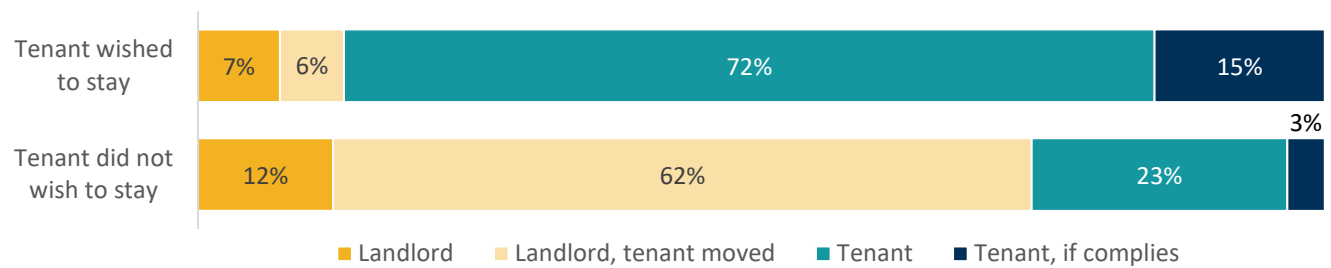
**Exhibit 15. Case Resolution by Party Entitled to Possession of Property (October 2022–September 2023)**



**Possession of the property and tenant wishes.** While keeping tenants housed is a desired outcome, it is not always a possible one, and it is not accurate to assume that the 216 cases in which possession reverted to the landlord involved tenants who wanted to stay in the rental unit. Data on tenant possession goals at the time of CLCPP service intake were available for 852 cases, of which 702 (82%) tenants wished to stay in the unit and 150 (18%) expressed a desire to leave.

Tenant wishes frequently aligned with possession outcomes (see Exhibit 16). Among the CLCPP tenants whose cases had available outcome data, 87% of the CLCPP clients who wished to stay in the unit were able to do so, either with or without terms of compliance. While this alignment was lower for tenants who did not wish to stay, it is worth noting that of the 216 cases in which possession reverted to the landlord, 62% of tenants moved to close the case.

**Exhibit 16. Possession of Property by Tenant Wish to Stay (October 2022–September 2023)**



**Possession and settlement terms.** Cases resolved via settlement negotiations also tended to end with tenant possession, although naturally these more frequently required the tenant to comply with the terms of an agreement. Of the 267 cases settled (Exhibit 13), landlords reclaimed possession in 94 (35%) cases, tenants retained outright possession in 61 (23%) cases, and the remaining 112 (42%) ended with an agreement that allowed the tenant to stay in the rental unit if they complied with terms. Exhibit 17 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 to make repairs to the unit (30%) or to reduce or waive the amount of back rent (20%). When tenants retained possession via settlement, terms most frequently included making rent payments according to an agreed upon plan (40%). Some of these settlements also involved consideration from the landlord either in the form of repairs (18%) or a reduction of the amount the tenant owed in back rent (13%) or other fees and charges (10%).

Finally, even the cases that granted possession to the landlord frequently involved settlement terms that helped tenants minimize the negative impact of an eviction. Landlords agreed to allow the tenant additional time to move in 53% of these settlements, provide a neutral rent reference in 36%, and reduce or waive back rent due in 31%.

**Exhibit 17. Settlement Terms by Party Awarded Possession (October 2022–September 2023)**

| Settlement Terms                                  | Party Entitled to Possession |                    |   |
|---|------------------------------|--------------------|---|
|   | Landlord<br>(n = 94)         | Tenant<br>(n = 61) | Tenant, if<br>complies<br>with terms<br>(n = 112) |
| No additional terms <sup>1</sup>                  | 14 (15%)                     | 14 (23%)           | 23 (21%)  |
| Additional time for tenant to move                | 50 (53%)                     | 6 (10%)            | 8 (7%)  |
| Payment plan or additional time for tenant to pay | 0 (0%)                       | 12 (20%)           | 45 (40%)  |
| <b>Financial-related terms</b>                    |                              |                    |   |
| Reduced or waive back rent due                    | 29 (31%)                     | 12 (20%)           | 14 (13%)  |
| Reduced or waived other fees/charges              | 16 (17%)                     | 6 (10%)            | 11 (10%)  |
| Reduced rent going forward                        | 4 (4%)                       | 4 (7%)             | 2 (2%)  |
| Landlord to refund overpaid rent                  | 0 (0%)                       | 0 (0%)             | 0 (0%)  |
| Landlord to pay other amount to tenant            | 6 (6%)                       | 2 (3%)             | 2 (2%)  |
| <b>Credit-related terms</b>                       |                              |                    |   |
| Landlord to provide neutral rent reference        | 34 (36%)                     | 8 (13%)            | 10 (9%)   |
| Eviction case not reported to credit agencies     | 11 (12%)                     | 5 (8%)             | 5 (4%)  |
| <b>Other terms</b>                                |                              |                    |   |
| Landlord to make repairs                          | 2 (2%)                       | 18 (30%)           | 20 (18%)  |
| Landlord to perform other obligations             | 4 (4%)                       | 3 (5%)             | 5 (4%)  |
| Landlord to refrain from certain conduct          | 4 (4%)                       | 1 (2%)             | 0 (0%)  |
| Tenant to perform other obligations               | 4 (4%)                       | 3 (5%)             | 9 (8%)  |
| Tenant to refrain from certain conduct            | 2 (2%)                       | 4 (7%)             | 7 (6%)  |
| Other   | 13 (14%)                     | 3 (5%)             | 6 (5%)  |

<sup>1</sup> All settlement agreements included terms that required that the tenant resolve the issues identified by the landlord on the eviction complaint to remain in the rental unit (typically, the tenant agreed to pay the amount of rent demanded). In some cases, the agreements did not include additional terms.

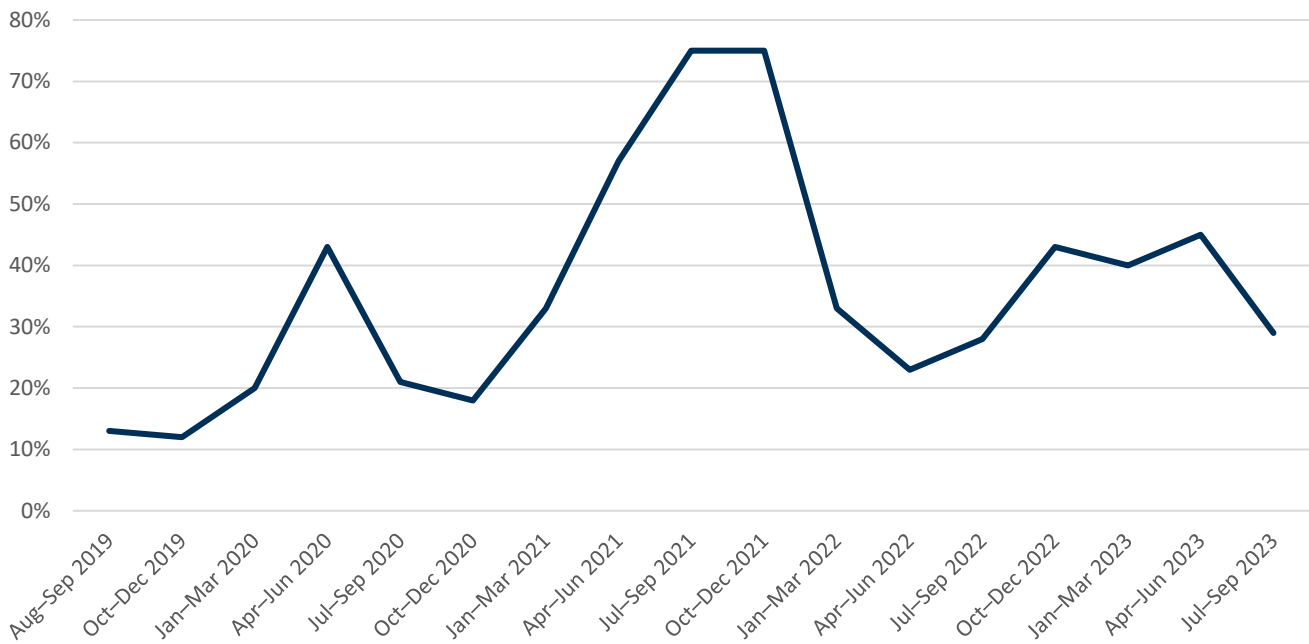
Settlements may include multiple terms. As such, percentages may not sum to 100%.

### CLCPP Clients Access to ERAP Funds

Among the CLCPP clients who retained possession of their homes during the current grant year, 40% received funds from Washington DC’s Emergency Rental Assistance Program (DC ERAP) to help them remain housed. As shown in Exhibit 18, the percentage of tenants who retained their housing with the assistance of public funds has fluctuated since the evaluation began in August 2019. Before the pandemic period, fewer than 20% of CLCPP clients who retained possession reported accessing public rental assistance. During the COVID-19 pandemic, and due to the influx of rental assistance funds made available through the Federally funded STAY DC program, the percentage of CLCPP clients who utilized public rental assistance money to pay rental arrears and remain housed peaked at 75%.

Since the end of the STAY DC program in late 2021, the amount of money available for rental assistance has decreased, and, consequently, so has the percentage of CLCPP clients who utilize public rental assistance to remain housed. CLCPP partners (largely through the Tenant Support Specialists) continue to facilitate tenants’ access to publicly available rental assistance funds; however, the level of available DC ERAP funding limits the number of tenants who can benefit from this critical service.

**Exhibit 18. Percentage of CLCPP Cases that Ended with Tenant Possession where the Tenant Received Rental Assistance (August 2019–September 2023)**



## HOUSING CHOICE VOUCHER (SUBSIDY) TERMINATION CASES

Among the 3,424 cases closed by CLCPP partners during the past grant year (see Exhibit 2), 41 pertained to the potential termination of a Housing Choice Voucher (“voucher”), a subsidy that enables District residents with low income to rent units in the private rental market at subsidized rates. Of these 41 cases, 19 had data about case outcomes. Tenants in these cases were at risk of losing their voucher, but as shown in Exhibit 19, in most instances, CLCPP attorneys were able to negotiate an agreement with the DC Housing Authority, that allowed tenants to keep their vouchers. Of the 19 cases with outcome data, 6 (32%) were settled through negotiation without litigation, 3 (16%) were settled via negotiation with litigation, 2 (10%) were resolved by a decision at a hearing or on appeal, and 7 (37%) were resolved through another method that did not require litigation, such as DCHA voluntarily rescinding the termination, and 1 (5%) were unknown. Importantly, tenants in 17 of these 19 cases (89%) had the voucher termination rescinded.

**Exhibit 19. Resolution of Voucher Termination Cases**

| Case resolution   | Current Period<br>(Oct 2022 – Sep 2023)<br># (%) | Total<br>(Aug 2019 – Sep 2023)<br># (%) |
|---|--|---|
| <b>Total number of cases served</b>   | <b>41 (100%)</b>                                 | <b>236 (100%)</b>                       |
| <b>Total number of cases with data about outcomes</b>                       | <b>19 (46%)</b>                                  | <b>144 (64%)</b>                        |
| <b>Of cases with outcome data, number that were resolved via...</b>         |  |   |
| Settlement via negotiation without litigation                               | 6 (32%)  | 68 (47%)                                |
| Settlement via negotiation with litigation                                  | 3 (16%)  | 27 (19%)                                |
| Decision at a hearing   | 1 (5%)   | 6 (4%)                                  |
| Decision on appeal to Executive Director                                    | 1 (5%)   | 4 (3%)                                  |
| Recertification completed   | 0 (0%)   | 9 (6%)                                  |
| Reasonable accommodation granted  | 0 (0%)   | 5 (3%)                                  |
| Other   | 7 (37%)  | 19 (13%)                                |
| Unknown   | 1 (5%)   | 6 (4%)                                  |
| <b>Status of Housing Choice Voucher at case closure</b>                     |  |   |
| Voucher termination rescinded   | 17 (89%)   | 105 (73%)                               |
| Voucher termination upheld  | 0 (0%)   | 6 (4%)                                  |
| Voucher termination delayed subject to tenant’s compliance with obligations | 0 (0%)   | 8 (6%)                                  |
| Unknown   | 2 (11%)  | 25 (17%)                                |

Current reporting period = Oct. 2022 to Sep. 2023. Total = Aug. 2019 to Sep. 2023. Percentages may not sum to 100% due to rounding.

## TENANT PETITION CASES

In July 2022, the CLCPP statute expanded to include the provision of legal services to tenants who wanted to initiate a legal action, either in the form of a petition against their landlord (e.g., to remediate substandard housing conditions or allege a rent control violation) or an administrative petition with the DC Housing Authority (e.g., to appeal the denial or termination of rapid rehousing or shelter vouchers, to request a transfer voucher, or to adjust the rent owed by a tenant with a housing subsidy). Unlike eviction cases in which tenants are the defendants (i.e., the party responding to a complaint filed against them), tenants in these cases are the petitioners (i.e., the party initiating the case) and come to the CLCPP network looking for help to understand their legal rights, draft demand letters, negotiate settlements and, if necessary, file a petition.

Exhibit 20 displays the number of tenant petition cases closed by CLCPP partners during the past year and total, separated by the type of housing matters they addressed.<sup>31</sup> Of the 103 tenant petition cases closed, the vast majority (87 cases; 96%) pertained to housing conditions. Of these 87 housing conditions cases, 79 cases involved tenants in rental units in the private rental market and the remaining 8 cases involved tenants of rapid rehousing rental properties.

**Exhibit 20. Number and Type of Tenant Petition Cases Closed (January–September 2023)**

| Type of Petition  | Current Period<br># (%) | Total<br># (%)    |
|---|-------------------------|-------------------|
| Housing Conditions  | 79 (87%)                | 79 (87%)          |
| Rapid Rehousing Conditions                                | 8 (9%)                  | 8 (9%)            |
| Other Rapid Rehousing Issue                               | 3 (3%)                  | 3 (3%)            |
| HUD Administrative Matter                                 | 1 (0%)                  | 1 (0%)            |
| Other Administrative Matter related to Voucher or Subsidy | 3 (0%)                  | 3 (0%)            |
| Rent Control / Unlawful Rent Increase                     | 2 (0%)                  | 2 (0%)            |
| Other   | 3 (1%)                  | 3 (1%)            |
| Unknown   | 3 (0%)                  | 3 (0%)            |
| Missing   | 1 (0%)                  | 1 (0%)            |
| <b>Total</b>  | <b>103 (100%)</b>       | <b>103 (100%)</b> |

The CLCPP network started serving tenant petition cases in January 2023, so the figures are the same in both columns. Percentages may not sum to 100% due to rounding.

<sup>31</sup> The current grant year was the first year that the CLCPP network served tenant petition cases, so the figures are the same in both columns.

## Housing Conditions Cases

The Children’s Law Center (CLC) joined the CLCPP network in January 2023 and uses its CLCPP funding to provide legal services for tenant petition cases. In particular, CLC focuses on serving low-income families with children who have health issues (e.g., asthma) and who are living in rental units with substandard conditions which may exacerbate symptoms or lead to negative health outcomes. In the past year, CLC served 85 of the 87 housing conditions cases closed by CLCPP partners. This section presents data entered by CLC attorneys about these cases.

## Medical Vulnerability of Clients

Unlike the rest of the CLCPP network where around two-thirds of tenants connect with the legal aid organizations through the LTLAN, the CLC maintains referral relationships with medical providers and other community partners, and many of the tenants that they serve connect through these pathways. Of the 85 cases closed by the CLC in the current year, 50 (58%) were referred by either a medical provider (25 cases; 29%) or another community-based organization (25 cases; 29%). Another 15 (18%) clients connected to the CLC through a referral from a former client, while 3 (4%) were referred by another CLCPP provider, and 1 (1%) contacted the CLC directly.<sup>32</sup>

A high percentage of CLC clients also have reported medical issues that make them more vulnerable to the health risks created by substandard housing conditions. Of the 85 CLC cases closed in 2023, information about the child’s health was available in 56 (66%). Among these cases, 33 (59%) reported that the child had asthma. Further, information about whether anyone in the household had been to the Emergency Room or been hospitalized within the past year was available in 50 cases (59%), of which 31 (62%) reported that at least one person in the home had been to the hospital. Of these 31 cases that reported a household member had been to the ER or the hospital, 25 reported that the hospitalized person was a child.

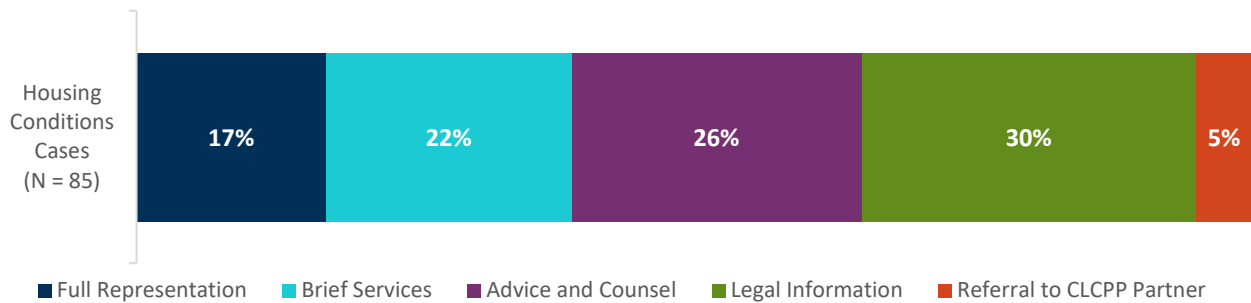
## Services Provided

Exhibit 21 shows the legal services provided by CLC across the 85 housing conditions cases closed this year. Of these cases, 17% received full representation, 22% received brief services, 26% were given advice and counsel, 30% were provided with legal information, and 5% were referred to another CLCPP partner for assistance with a potential eviction. (When there is a pending eviction action, housing conditions matters are generally stayed by the Court until the eviction matter is resolved. Therefore, CLC attorneys will refer families with imminent eviction risk to receive legal services for the eviction and, once resolved, will then assist with the housing conditions petition).

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<sup>32</sup> Information about how tenants connected with the CLC was unavailable for 16 (19%) cases.

## Exhibit 21. Legal Services Provided for Housing Conditions Cases (January–September 2023)



The Children’s Law Center does not offer limited scope representation in housing conditions cases.

### Case Characteristics

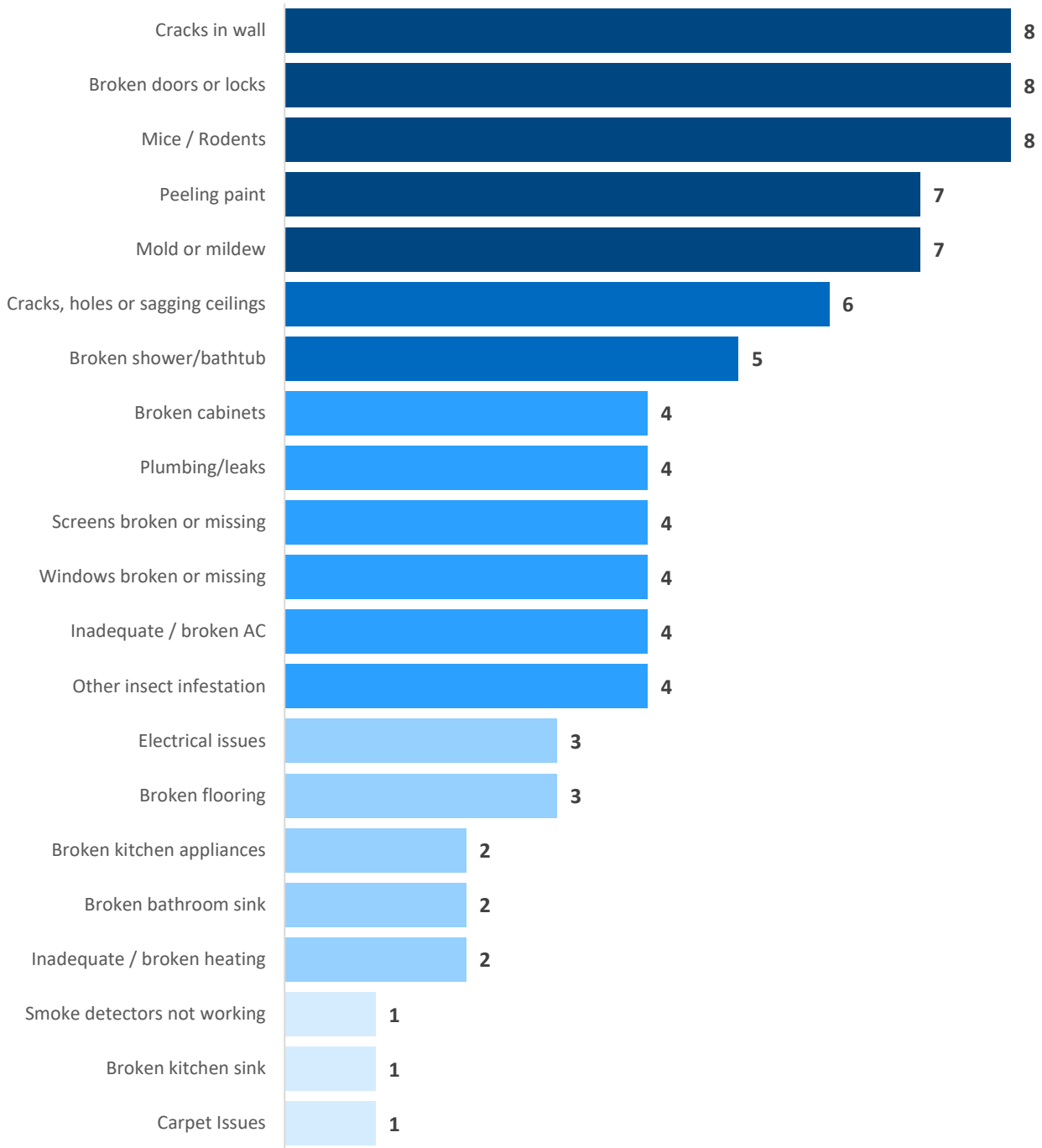
**Communication with landlord about conditions.** Of the 85 cases closed by CLC, tenants in 28 (33%) cases reported communicating their request for repairs to their landlord before contacting the CLC. These requests went generally unanswered, and the tenants were unsuccessful in getting their landlords to make the needed repairs to the unit, which underscores the need for legal help.

As part of providing full representation for the case, CLC attorneys also attempted to encourage landlords to make the repairs, as attorneys sent the landlords an official demand letter in 6 full representation cases (7% of all cases). Of those 6 cases, the landlord in 5 (83%) cases responded to the demand letter by making some, but not all, of the repairs. Across these 6 cases that initially involved a demand letter, the CLC attorney in 5 (83%) cases ended up filing a complaint with the Court demanding repairs by the landlord.

**Housing conditions.** Information on the nature of the interior housing conditions that led to the tenant’s demand for repairs was available in 10 cases. Across these 10 cases, tenants requested remediation for 21 different conditions issues that affected the habitability of the unit, with an average close to 9 conditions issues cited per case. Exhibit 22 on the following page displays the number of cases that identified specific conditions issues and shows that the most common issues tenants requested repairs for were cracks in the wall (8 cases), broken doors or locks (8), the presence of mice or rodents (8), peeling paint (7), mold or mildew in the unit (7), cracks or holes in the ceilings (6), and broken shower or bathtub (5). Only 3 cases reported substandard exterior housing conditions.



**Exhibit 22. Number of Cases with Housing Conditions Requested (January–September 2023)**



Tenants identified housing conditions cases in 10 cases during the current grant year.

## Housing Conditions Case Outcomes

Information about case outcomes was available for 9 (11%) of the 85 cases closed by the CLC between January and October 2023.

**How cases were resolved.** Exhibit 23 shows how the 9 cases with outcome data resolved. As shown, 7 (78%) cases were voluntarily dismissed by the tenant, 3 (33%) because the tenant was able to transfer to a different rental unit, 2 (22%) because the tenant moved out, and 2 (22%) after the tenant withdrew their petition without the repairs completed. In 1 of the 9 cases (11%), the Court dismissed the case after finding that the landlord had made the repairs requested by the tenant.

### Exhibit 23. Resolution of Housing Conditions Cases (January–September 2023)

| Case resolution   | Current Period<br># (%) | Total<br># (%) |
|---|-------------------------|----------------|
| Total number of cases served  | 85 (100%)               | 85 (100%)      |
| Total number of cases with data about outcomes  | 9 (11%)                 | 9 (11%)        |
| <b>Of cases with outcome data, number that were resolved via...</b>                               |                         |                |
| Landlord made requested repairs after receiving demand letter                                     | 0 (0%)                  | 0 (0%)         |
| Voluntary dismissal by the tenant due to satisfaction with repairs                                | 0 (0%)                  | 0 (0%)         |
| Voluntary dismissal by the tenant because the tenant vacated the rental unit                      | 2 (22%)                 | 2 (22%)        |
| Voluntary dismissal by the tenant because tenant received a transfer to a different rental unit   | 3 (33%)                 | 3 (33%)        |
| Voluntary dismissal by the tenant because the tenant withdrew the case without repairs being made | 2 (22%)                 | 2 (22%)        |
| Court dismissal due to landlord demonstrating that repairs have been made                         | 1 (11%)                 | 1 (11%)        |
| Other   | 1 (11%)                 | 1 (11%)        |
| Unknown   | 2 (11%)                 | 2 (11%)        |

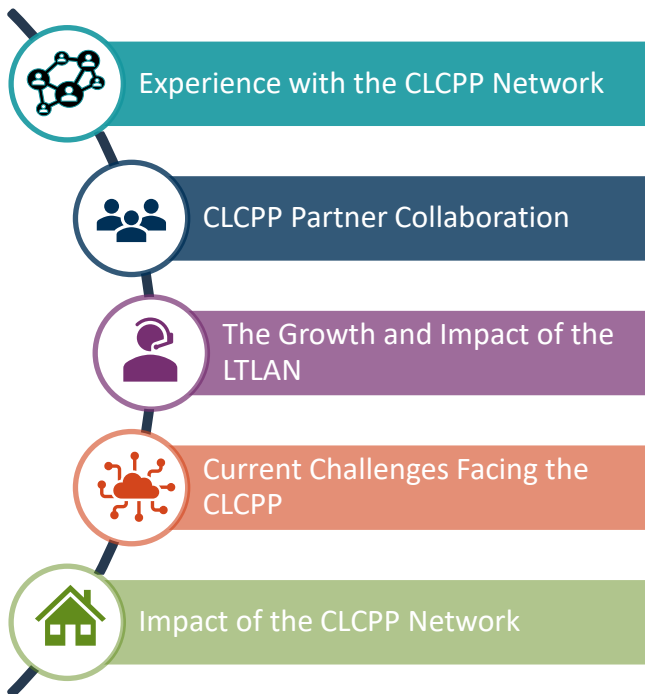
The CLCPP network started serving tenant petition cases in January 2023, so the figures are the same in both columns. Percentages may not sum to 100% due to rounding.

**Case Outcomes.** The primary outcomes of interest in housing conditions cases include the status of the repairs requested, whether the tenants received reasonable accommodation or rent abatement because of the condition of the rental unit, and whether the attorney felt that the case objective was achieved at the close of services. Of the 9 cases closed by the CLC with outcome data in 2023, 2 (22%) reported that the requested housing conditions issues were repaired and none of the cases ended with the tenant receiving reasonable accommodation or rent abatement. Finally, at the time of case closure, the CLC attorney reported that the objective was achieved in 7 (78%).

# CLCPP PARTNER PERSPECTIVES

Evaluation data collected by NPC provides an overview of the CLCPP network’s service reach, the types of legal services that CLCPP attorneys provide, and, when known, the case outcomes. These data are only part of the story, however, and do not capture the full reach and impact of the CLCPP network. Conversations with the CLCPP supervisory and staff attorneys help to complete the picture by offering insight into how the network is functioning, how the partners are managing the efforts to coordinate intake and referral across multiple organizations (via the LTLAN), and the successes and challenges that the network partners have experienced, particularly in the wake of the COVID-19 pandemic.

To gather the perspectives of the CLCPP partners, NPC conducted a series of interviews with 14 supervising and staff attorneys from the 6 organizations that had been funded for more than a year: Bread for the City, the DC Bar Pro Bono Center (PBC), Legal Aid DC, Legal Counsel for the Elderly (LCE), Neighborhood Legal Services Program (NLSP), and Rising for Justice (RFJ).<sup>33</sup> These interviews followed a semi-structured protocol and were conducted virtually in Summer 2023.



The interviews sought to gather feedback directly from CLCPP partners about their experience as part of the network, their thoughts on the network’s implementation and impacts, their perspectives on factors affecting tenants, and their reflections on changes in the service environment, particularly the lasting impacts of the COVID-19 pandemic and the way in which policy changes have impacted tenants with low income.

The summary of these interviews is organized around five central themes: (1) experience with the CLCPP network, (2) CLCPP partner collaboration, (3) the growth and impact of the LTLAN, (4) current challenges facing the CLCPP, and (5) the impact of the network on tenants beyond what is captured in the CLCPP Service Data.

<sup>33</sup> Children’s Law Center did not participate in the interviews because they had just begun their initial grant period a few months before the interviews took place.



## Experience with the CLCPP Network

Staff and supervising attorneys from all 6 CLCPP partners expressed that their organization's experience with the network was positive overall. Interviewees reported that they strongly feel the CLCPP funding and the resultant network has grown the capacity of individual organizations and that this increase in capacity benefits their organization and the communities they serve. Each partner organization described *"reaching a lot more clients,"* with one interviewee attributing this expanded reach partially to tighter coordination and more frequent communication amongst the network partners.

With more communication there has also been a more concerted effort to share information with other organizations in the network about promising practices that impact how CLCPP attorneys serve tenants. When reflecting on their CLCPP network experience, one interviewee stated that *"We are quicker. If someone gets a good ruling, it goes out to the network. Conversely, if something that comes up in court that we all should be aware of, people quickly share that to other attorneys."* They later added that the partner organizations generally feel more open to sharing information that can benefit tenants.

Interviewees were asked what they felt the most significant achievement of the network had been over the last two years. In addition to the creation of the LTLAN (discussed below), one interviewee spoke to the impact of learning from one another and becoming stronger advocates for tenants, sharing *"Being part of [the] network makes advocacy stronger because we're all on the same page and doing the same work."*



## CLCPP Partner Collaboration

Staff from all 6 organizations spoke highly of their partners within the network. They praised the level of positive collaboration, acknowledging that this has led to better services for tenants, more effective cross-organizational sharing of information and resources, and a unified front of legal services providers in interactions with the Court.

Partners noted that they have maintained strong collaborative relationships in the network, despite turnover in several key staff positions in the past couple of years. However, some staff acknowledged that these shifts in leadership have led to some loss of historical knowledge. One area for improvement raised by interviewees was the need for consistent communication and clearer policies and procedures to help standardize information flow and operations across all the partner organizations. Partners articulated that some staff have internalized procedures that are not well understood by others, leaving the network vulnerable to information loss when staff transition roles or leave. Additionally, partners discussed the challenge of disseminating information from supervising attorneys to line staff, sharing that it is hard to ensure everyone is fully up to date and on the same page.

## The Growth and Impact of the LTLAN



The creation of the LTLAN was viewed as one of the most, if not the most, significant achievement of the network over the last few years. Overwhelmingly, all staff who took part in the interviews noted that the LTLAN has strengthened the collaboration of partner organizations by systematically coordinating their efforts and has also increased service access for tenants at risk of eviction. Partners described the success of the LTLAN partly in light of their effective promotion and outreach efforts, which have resulted in a high volume of people contacting the LTLAN for assistance.

However, this success was tempered by the reality of the legal services system capacity. In short, tenants' access to services has been streamlined by the LTLAN, but CLCPP partners struggle to meet the increased demand for services with their existing, already stretched, attorney capacity. More than one partner alluded to it being *"a double-edged sword."* One attorney lamented the discrepancy between need and capacity and asked, *"Is there a utility in getting more litigants if we can't serve [them]?"*

Despite this tension, partner organizations' commitment to sustaining and improving the LTLAN was evident during the interviews. A couple of staff mentioned that sustainment would be best supported with clearer communication and documentation related to organizations working LTLAN referral shifts. For example, one staff described some ambiguity in situations when clients whose referral was rejected by the partner on the referral shift make their way back to the LTLAN for another referral. *"We have multiple rejection categories that were revised. Lots of good info there. Part of [the] issue is when it's ambiguous on what happened before if [a] client was previously assigned. Some [of the ambiguity] comes from attorney confidentiality concerns."*

*"I think the work is in creating systems that survive people."*



## Current Challenges Facing the CLCPP

CLCPP partners were asked about any factors that currently impact service delivery. Interviewees described a few such factors, including certain case circumstances that are difficult to address legally, work environments that slow progress, and a general lack of legal aid capacity.

Staff explained that rental debt balances are at an all-time high, due to tenants not paying for lengthy periods. When tenants are consequently sued for eviction because of nonpayment, there is often no viable legal defense and, therefore, CLCPP attorneys are limited in terms of the services they can provide, which is typically just advice and counsel. In the absence of a legal defense, the only way for these tenants to cure their violation is to pay the back-owed rent, which is usually only possible through the acquisition of rental assistance money. Partners discussed the reduced availability of ERAP funds and the likelihood of stricter eligibility and disbursement limitations when the program is

refunded, which will make it difficult for tenants with large balances to access the amounts they need to retain their housing.

*“[There is] more advice and counsel because unfortunately people accrued high balances ... Seeing cases where tenancy is not just salvageable.”*

Staff also talked about how cases are taking longer to work due to “*everything being harder than it used to be.*” While remote services and hybrid hearings have been positive in many regards, such as the ability to attend hearings without having to spend the entire day in court, staff also underscored some of the challenges they experience trying to serve clients, many of whom are not technologically capacitated, using remote methods. Many of these challenges—such as working with clients to complete forms over the phone or in virtual meetings or struggling to reach tenants with changing phone numbers or no voicemail—were far less frequent when services were primarily conducted in person at the courthouse or office. These challenges can add complexity to client interactions and create inefficiencies in workflows, altogether making tasks take longer than they used to.

*“All organizations are having issues retaining and hiring staff. People going to the government for more pay, one decided to stay home. People leaving and then there are people being full up because cases are taking longer and more effort. Those are the two capacity pieces. People leaving and it being hard to hire because there are less applicants.”*

Throughout the interviews, staff also described organizational and capacity challenges. All interviewees talked at length about staffing concerns within their organizations, noting serious challenges in hiring and retention. Salary limitations and general burnout were highlighted as key factors leading to high turnover and low retention. One attorney shared, “*It’s harder to hire right now than it ever has been in the years of my career. The longer it takes to hire, [and] more burden gets put on other [current] staff so they get burnt out. It’s like a cycle.*”



## Impact of the CLCPP Network

CLCPP network partners have collected and submitted rich data on direct legal service provision, as demonstrated throughout this report; however, these data do not reflect all of the work done by the partners. During interviews, partner staff were asked about the impacts of the CLCPP network on District tenants with low income, beyond what is captured in the service data.

Staff highlighted how, through the creation of the LTLAN, the CLCPP network has expanded access to civil legal aid for tenants with low income. Given the District’s general lack of affordable housing, historically high rate of eviction filings, and overwhelming number of legal aid providers, streamlining access in this way is a notable benefit for renters. With the network’s efforts, tenants now have just one phone number to call, and that number is readily available through many avenues.

Staff also underscored the benefits of legal representation for those tenants who ultimately have to move. Although it can be easy to limit “success” in an eviction case to keeping a tenant housed, that is not always possible, and when staying in the home is not possible, legal aid attorneys can negotiate agreements with the landlords that help mitigate the negative impacts of an eviction action on tenants and support the tenants to relocate. One interviewee noted that, within the service data, a case may look unsuccessful because a tenant eventually had to move out, but as a result of the attorney working on that case, that tenant may have spent more time in the home and had more time to prepare for the transition. Creating this “soft landing” for tenants who move is a notable benefit of services.

*“Every day that our clients are waiting for their next hearing instead of having their next hearing... That's another day that they're in their homes. That's another day that they're able to kind of catch up on rent. For us most of the time, a delay is a win.”*

Another important achievement highlighted by interviewees was the policy advocacy work undertaken by the CLCPP network, which has led to the codification of several notable tenant protections in DC housing law. This and other systems-oriented work has led CLCPP network partners to develop and sustain positive working relationships with judges and court staff within the Landlord & Tenant Branch of the Court. These relationships have helped to strengthen the flow of information and support advocacy efforts, both of which have benefited District renters with low income. As a group, staff highlighted this as a positive and rewarding part of the work.

# SUMMARY AND RECOMMENDATIONS

## SUMMARY OF CURRENT DATA

Between August 2019 through September 2023, the CLCPP network partners have collectively provided legal assistance to 8,217 DC residents with low income, closing 9,769 eviction and voucher termination cases. During the 2023 grant year, the CLCPP partners served 2,963 tenants across 3,424 cases. 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 nearly 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.

Since January 2022, the number of filings in the Landlord & Tenant Branch of the DC Superior Court (the Court) has increased, although the filing numbers have not reached pre-pandemic levels. In 2019, the L & T Branch was a high-volume court; however, during the pandemic period in 2020 and 2021, the Court scaled down operations and DC eviction moratorium was in effect, which reduced the number of filings. In January 2022, the eviction moratorium expired, and landlords were able to file eviction lawsuits again. As a result, filings in the Court increased throughout 2022 and the current grant year. As filings have gone up, there has been a corresponding increase in demand for CLCPP services.

The 2023 grant year was defined in part by the CLCPP partners adjusting their service provision and utilizing their community partnerships to respond to this increase in demand. During the grant year, 50% of tenants who received help in eviction cases received legal advice and counsel. Many remaining clients either received some form of representation (21% limited scope, 19% full) or brief services (5%). To meet the demand for legal services, the CLCPP partners have offered more advice and counsel to help as many tenants as possible, given available resources. Many of the tenants who received advice and counsel faced an eviction filed for nonpayment of rent and did not have a legal defense, so the attorneys provided the services that they could offer. Clients who received advice and counsel were provided with guidance on how to respond to the eviction complaint and how to minimize the financial impact of the eviction filing in order to help families remain housed for as long as possible or find new housing. These tenants also received referrals for non-legal services from community organizations.

Among eviction cases closed during the current reporting period that received representation by an attorney, 76% of tenants retained possession of their units, and in most cases where the landlord regained possession, the tenants moved of their own volition or as part of an agreement. Importantly, in 2023, **across CLCPP clients with cases for which the outcomes were known, only 5% ended their cases with a judgment entered against them that put them at risk for an actual lockout.** The percentage of tenants who retained possession of their unit between October 2022 and September 2023 continued to be influenced by ERAP funds, with 40% of CLCPP tenants who retained possession doing so with the assistance of ERAP.



The CLCPP attorneys continued to hold the landlords accountable to the post-pandemic changes in the eviction notice and filing process that are designed to provide tenants with more time and opportunity to respond to an eviction lawsuit. Among the cases that a CLCPP attorney closed, **41% resolved by a dismissal by either the landlord or the court.** Typically, these cases were dismissed because the tenant paid all the rent owed, which would bring a resolution to the dispute. Some of these cases, however, were dismissed without prejudice due to a technical deficiency in the notice or the complaint, meaning the landlord could refile the eviction case. These dismissals allowed the tenants to remain housed while they worked to either stay in their unit or find alternative housing.

CLCPP partners earned outcomes that aligned with tenant wishes. Among the CLCPP tenants who received limited or full representation and whose cases had available outcome data, 87% of those who wished to stay in their rental unit were able to, and 51% of those who had to move indicated that they wanted to. When a tenant did have to move, the CLCPP attorneys were able to negotiate favorable settlement terms that minimized the negative impact of an eviction lawsuit.

The partners continued to support and expand the Landlord Tenant Legal Assistance Network (LTLAN), a coordinated intake and referral system that offers District residents a single phone line to call to get connected to a CLCPP attorney. The LTLAN has become a primary access point to CLCPP services during the 2023 grant year, with 64% of clients connecting to the CLCPP attorneys through the LTLAN. The LTLAN is a significant achievement for the CLCPP network and has expanded the partners' collective capacity to provide legal services to tenants facing eviction.

During the 2023 grant year, the CLCPP partner organizations collaborated to develop strategies to augment the system's capacity as demand increased. As part of this effort, the CLCPP organizations relaunched the **Housing Right to Counsel (HRTC) project, which targets services for tenants who are facing eviction from subsidized housing** and **collaborated with community-based organizations to launch the Eviction Prevention in the Community (EPIC) project.** Through these projects, the CLCPP attorneys have developed a pool of trained pro bono attorneys to provide services to eligible tenants, coordinated with community-based partners who engaged in canvassing efforts to connect at-risk tenants with supportive services, and established *participatory defense hubs* where tenants receive legal information about the eviction process and get connected to the LTLAN. The HRTC and EPIC projects represent innovative approaches by the CLCPP partners to expand the network's ability to serve District residents living with low-income who are at risk of an eviction lawsuit.

Finally, and importantly, interviews with the CLCPP partners supported the strength of the network and the collective commitment to growing the capacity to provide critical legal services. The partners acknowledged that the network continues to face the challenge of balancing the increasing demand for services with the attorneys' capacity; however, representatives from every CLCPP organization felt that their organization benefited from being part of the network, and, that the collaborative approach taken by the CLCPP partners has expanded their service reach and made it easier for District residents facing an eviction to find an attorney. Further, the CLCPP partners felt that the connection between the organizations was strong, and that the partnership enjoyed a high level of trust and mutual respect.

## RECOMMENDATIONS

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

### For the CLCPP Partners:

#### **Continue to expand network capacity by training and retaining a robust pool of pro bono attorneys.**

The relaunch of the Housing Right to Counsel (HRTC) project, and the associated training of cohorts of pro bono attorneys, has expanded the CLCPP network's capacity to assist tenants with low income being evicted from subsidized housing—a particularly vulnerable group. The HRTC represents a valuable capacity-building effort that should be sustained and, if there are sufficient resources, expanded to further buttress the limited legal aid capacity.

#### **Build on relationships with community-based partners to sustain and refine community canvassing efforts.**

The Eviction Prevention in the Community (EPIC) project formalized relationships between the CLCPP partners and community-based organizations. EPIC is designed to reach tenants early in the eviction process, sometimes before a case is filed in court, and connect them with legal and legal-adjacent services that can help them stay housed. This project relies on cross-organization information sharing and coordination to target community canvassing efforts to reach tenants most at risk. Nurturing these partnerships, codifying the work flows and information flows, and prioritizing the maintenance of complete and accurate information on tenants reached will help the EPIC partners learn what works best, identify areas for improvement, and refine approaches over time.

**Consider the LTLAN as the central hub for all tenants at risk of eviction.** The LTLAN was initially conceived as the coordinated intake hub for the CLCPP providers and has become the primary service access point for CLCPP clients. Due to its successful community promotion, the LTLAN is becoming a trusted and reliable service for all District renters, not just those who are eligible for CLCPP services. As the number of calls to the LTLAN increases, it may be beneficial to modify triage and referral protocols to connect CLCPP-ineligible tenants with non-CLCPP legal and legal-adjacent services, such as the EPIC participatory defense hubs or other services provided by the network's community-based partners.

### For DCBF:

**Consider how the Foundation can support and encourage innovation from the CLCPP partners.** The CLCPP partners have grown into an effective action network that continues to collaboratively develop innovative approaches to improve services for District renters with low income. The HRTC and EPIC projects represent recent innovations from the network, which broaden the CLCPP providers' capacity, service reach, and community presence. In the coming grant year, it will be important for DCBF to sustain support for these nascent efforts as they take root and to learn from their evolution. The Foundation might also consider ways to further encourage and support innovation from the CLCPP network, as their collaboration offers a terrific example for the broader civil legal aid community.

# APPENDIX A

## Exhibit A1. Tenant Risk Factors

| Risk Factors   | Current Period<br># (%) |       | Total<br># (%) |       |
|--|-------------------------|-------|----------------|-------|
| Household with at least one minor child                          | 1,070                   | (36%) | 3,134          | (38%) |
| Tenant had a disability or chronic health condition <sup>a</sup> | 588                     | (27%) | 2,223          | (34%) |
| Tenant resided in subsidized housing <sup>b, c</sup>             | 723                     | (35%) | 2,727          | (42%) |
| Opposing party had legal representation <sup>d</sup>             | 1,874                   | (81%) | 5,763          | (76%) |

Current reporting period = Oct. to Sept. 2023. Total = Aug. 2019 to Sept. 2023.

<sup>a</sup> Disabilities included developmental or intellectual disabilities, physical disabilities, psychiatric or mental health disorders, blindness or significant vision loss, and deafness or significant hearing loss. Chronic health conditions included long-term illnesses such as diabetes, asthma, and cancer. Tenants could indicate that they had a disability without disclosing the type. Disability and chronic health condition information is not collected by Landlord Tenant Legal Assistance Network (LTLAN) intake screeners and is entered later by partner staff. These percentages are calculated from the number of cases that have this information: 2,178 cases in the current reporting period and 6,497 cases total.

<sup>b</sup> Subsidized housing included Department of Behavioral Health subsidies, low-income housing tax credit, housing choice voucher programs (including VASH and LRSP), project/site-based subsidies (Section 8 or other), public housing, and Rapid Re-housing Subsidies.

<sup>c</sup> Subsidized housing information is not collected by Landlord Tenant Legal Assistance Network (LTLAN) intake screeners and is entered later by partner staff. Therefore, these percentages are calculated from the number of cases that have this information: 2,152 cases in the current reporting period and 6,441 cases total.

<sup>d</sup> Opposing party representation status is not collected by LTLAN intake screeners and is entered later by partner staff. Therefore, these percentages are calculated out of the number of cases that have this information: 2,311 in the current reporting period and 7,603 cases total.

## Exhibit A2. Gender, Age, Race, and Ethnicity of Tenants Served

| Demographic Characteristic          | Current Period # (%) |        | Total # (%) |        |
|-------------------------------------|----------------------|--------|-------------|--------|
| <b>Gender<sup>a,b</sup></b>         |                      |        |             |        |
| Male                                | 1,020                | (35%)  | 2738        | (34%)  |
| Female                              | 1,851                | (64%)  | 5297        | (65%)  |
| Transgender Male                    | 3                    | (< 1%) | 5           | (< 1%) |
| Transgender Female                  | 4                    | (< 1%) | 20          | (< 1%) |
| Non-binary or gender diverse        | 6                    | (< 1%) | 19          | (< 1%) |
| Prefer not to say                   | 11                   | (< 1%) | 35          | (< 1%) |
| <b>Age<sup>c</sup></b>              |                      |        |             |        |
| Under 18 Years Old                  | 2                    | (< 1%) | 2           | (< 1%) |
| 18–35                               | 1,016                | (31%)  | 2,536       | (34%)  |
| 36–59                               | 1,350                | (47%)  | 3,866       | (46%)  |
| 60 and Older                        | 589                  | (21%)  | 1761        | (20%)  |
| <b>Race<sup>d,e</sup></b>           |                      |        |             |        |
| Black or African American           | 2,259                | (86%)  | 6,577       | (86%)  |
| White                               | 180                  | (7%)   | 528         | (7%)   |
| American Indian/Alaska Native       | 16                   | (< 1%) | 52          | (1%)   |
| Asian American                      | 26                   | 1%     | 77          | (1%)   |
| Native Hawaiian or Pacific Islander | 7                    | (< 1%) | 14          | (< 1%) |
| Other Race                          | 97                   | (4%)   | 294         | (4%)   |
| Prefer not to say                   | 72                   | (3%)   | 213         | (3%)   |
| <b>Ethnicity<sup>f</sup></b>        |                      |        |             |        |
| Hispanic or Latino/a                | 248                  | 9%     | 684         | 10%    |
| Not Hispanic or Latino/a            | 2,166                | 88%    | 6,429       | 88%    |
| Prefer not to say                   | 56                   | 3%     | 183         | 2%     |

Current period = Oct. to Sept. 2023. Total = Aug. 2019 to Sept. 2023.

<sup>a</sup> Categories for gender are those used by DC Office of Victim Services and Justice Grants.

<sup>b</sup> Percentages are calculated out of the 2,895 tenants in the current period and 8,114 tenants total who reported data on gender. This information was unavailable for 68 tenants during the current reporting period and 103 tenants total.

<sup>c</sup> Percentages are calculated out of the 2,957 tenants in the current period and 8,165 tenants total who reported data on age. This information was unavailable for 6 tenants during the current reporting period and 52 tenants total.

<sup>d</sup> Race and Ethnicity definitions are those used by the U.S. Census. Fact sheet on definitions can be found here:

<https://www.census.gov/topics/population/race/about.html>. Percentages may not sum to 100.

<sup>e</sup> Percentages are calculated out of the 2,629 tenants in the current period and 7,639 tenants total who reported data on race. This information was unavailable for 377 tenants during the current reporting period and 739 tenants total.

<sup>f</sup> Percentages are calculated out of the 2,470 tenants in the current period and 7,296 tenants total who reported data on ethnicity. This information was unavailable for 493 tenants during the current reporting period and 921 tenants total.

### Exhibit A3. Percentage of CLCPP Clients Living in Each Ward

| Ward | Current Period<br># (%) |       | Total<br># (%) |       |
|------|-------------------------|-------|----------------|-------|
| 1    | 351                     | (12%) | 882            | (11%) |
| 2    | 108                     | (4%)  | 316            | (4%)  |
| 3    | 148                     | (5%)  | 307            | (4%)  |
| 4    | 268                     | (9%)  | 733            | (9%)  |
| 5    | 431                     | (15%) | 1177           | (14%) |
| 6    | 252                     | (9%)  | 817            | (10%) |
| 7    | 540                     | (18%) | 1620           | (20%) |
| 8    | 855                     | (29%) | 2333           | (29%) |

Current period = Oct. to Sept. 2023. Total = Aug. 2019 to Sept. 2023.

Percentages in this table are calculated out of the 2,953 tenants in the current period and 8,185 tenants total who reported data on residence. This information was unavailable for 10 tenants during the current reporting period and 32 tenants total.