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# CONNECTICUT EVICTION RIGHT TO COUNSEL

A Qualitative Evaluation

2023

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# Executive Summary

## Background

In May 2021, the Connecticut General Assembly enacted Public Act 21-34, establishing the right to legal representation for tenants under threat of eviction and making Connecticut one of the first states to do so. Governor Ned Lamont's signature established the Connecticut Right to Counsel Program (CT-RTC) beginning in July 2021. The program provides no-cost legal representation to income-eligible tenants and occupants at risk of eviction. In November 2021, the Connecticut Bar Foundation engaged the consulting firm Stout to independently evaluate CT-RTC. Stout conducted a primarily quantitative evaluation, with an initial report (This can be found at: <https://www.stout.com/en/services/transformational-change-consulting/eviction-right-to-counsel-resources>). The report covers the first ten months of CT-RTC program (January 31 to November 30, 2022) and was published in December 2022. Building on the Stout evaluation, ours uses qualitative methods to expand our understanding of the first year of RTC in Connecticut. We employed in-depth interview techniques and open-ended questions to capture the experiences of tenants, rental property owners, and other stakeholders involved with CT-RTC. Our goals for this evaluation were: 1) to document experiences with CT-RTC in a holistic and nuanced way; 2) to gauge the impacts of CT-RTC on tenants, property owners, and other community members; 3) to identify initial implementation challenges, successes, and opportunities for improvement; 4) and to identify ways that CT-RTC affects housing stability and other outcomes, including health, education, and employment.

### A NOTE ON TERMINOLOGY

Terminology around rental arrangements is complex. The term tenant usually refers to a person who holds a lease for a rental unit. However, in this report, we use the term tenant to refer to anyone who is paying rent, or expected to pay rent, for a place to live, regardless of whether they hold a lease. We use the terms landlord, rental property owner, property owner and rental property manager to refer to the various entities that own or manage property. Where it is clear the person or entity being referred to owns the property, we use the terms 'rental property owner or property owner.' Where it is clear the person or entity being referred to is a property manager, we use that term. Otherwise, we use the term 'landlord', as this is the term that was used by everyone we spoke to, tenants, property owners, activists, or lawyers, and is also the term used in legal documentation and leases in Connecticut. When tenants referred to their landlords, they usually meant the person or company that they interact with regarding their rental unit, which may be an individual person or an LLC that owns the unit, or a rental management company acting on behalf of a property owner; in the latter case, tenants are often not aware of who actually owns their unit.

## Methodology

We focused our evaluation on three locations selected by the Connecticut Bar Foundation: the cities of New Haven and Hartford, and Windham County. Between May 2022 and April 2023, we spoke with more than 90 stakeholders through focus groups (31 people total); conducted in-depth interviews with 41 tenants; and interviewed other stakeholders, including attorneys, rental property owners, service providers, and housing advocates (25 people). Our analysis was also informed by regular input from our Community Advisory Board and our community partners (See Appendix One).

# Findings

## SECTION 1

The first section of our report discusses the context of eviction in Connecticut, highlighting the reasons that CT-RTC is needed, including the presence of complex substantive legal issues in many eviction cases, and the lack of access to legal services for many tenants prior to the establishment of CT-RTC. Specifically, we address the following two themes:

**Eviction cases are complex:** Tenants seeking legal representation through CT-RTC are often navigating complicated situations related to their eviction, and their cases often have substantive legal issues. These complexities were a prominent theme in our interviews with tenants who had experienced housing insecurity or eviction and/or used CT-RTC, and other stakeholders; people spoke about complicated situations related to housing subsidies, protected tenant status, and housing conditions. (In fact, in the first year of CT-RTC, 59% of clients reported substandard housing conditions). The eviction process happens through what are known as “summary proceedings.” Summary proceedings are designed to happen quickly on the assumption that there are no substantive legal issues, with the aim of efficiently returning possession of a unit to the property owner. However, many cases are not straightforward. Our data also highlight that the complex details of an eviction case are often only revealed over time as a person engages with legal services; important legal aspects of the case may not be identified through the initial screening processes that are often used to prioritize limited legal aid resources. Thus, expanded access to counsel through CT-RTC may be critical to both identifying and resolving the complications of eviction cases.

**Limited access to legal aid/services in Connecticut prior to CT-RTC:** Before the implementation of CT-RTC, few tenants had access to legal representation. While most landlords build legal representation into their business costs, tenants generally cannot afford a lawyer, or they simply don’t know that legal representation is an option. This gap in access to legal advice and representation creates power differentials that can undermine tenants’ rights. CT-RTC can help create a more level playing field.

## SECTION 2

The second section of our report describes how CT-RTC may affect tenant housing outcomes and tenant well-being. Our data highlight the following impacts of CT-RTC:

**Preventing a disruptive move and other forms of disruptive displacement:** Existing evidence indicates that having a lawyer reduces the likelihood of eviction. Our data support this, showing the multiple ways that lawyers helped tenants stay in their homes, including by helping tenants access resources to pay rent arrears and afford rent in the future and helping to address complex legal issues. In some cases, landlords were violating tenants’ rights, and lawyers succeeded in arguing for the dismissal of eviction cases.

**Securing time and minimizing the harm of forced moves:** In some cases, it was not economically feasible for the tenant to remain in their home, and sometimes tenants wanted to move elsewhere. In other cases, even if CT-RTC helped tenants avoid eviction initially, landlords exercised their right to remove a tenant without cause at the end of the lease term. However, even in these cases, our interviews show that access to legal representation, both allowed tenants to negotiate exits that minimized adverse impacts on them, and also ensured the timely return of control of a property to its owner.

**Helping tenants navigate an arduous and stressful process:** Many tenants described how having a lawyer reduced stress and anxiety associated with the eviction process, regardless of the outcome of their case. Access to a lawyer also helped tenants navigate daunting administrative and bureaucratic processes, thus reducing stress and supporting tenant well-being.

**Tenant empowerment beyond the eviction process:** Power inequalities between landlords and tenants are obvious during the formal eviction process, but that inequality also exists both before and after evictions. A tenant depends on a property owner for the most basic of needs — a roof over their head. When the rental market is tight, as it was during this evaluation process, many tenants, and in particular low-income tenants, have few alternative housing options if they must leave their current homes. These power dynamics can undermine tenant rights and well-being. Our interviews show that access to legal representation can address these power dynamics beyond the eviction process, including by deterring certain types of eviction and shaping tenants' decisions and actions prior to facing an eviction. For example, tenants spoke about how the fear of eviction prevents them from asking landlords to perform required maintenance or to address serious health hazards. They also spoke about how the fear of eviction (and of an eviction record) can result in pressure to leave before a Summons and Complaint is served or during the notice period.

### **SECTION 3**

The third section of our report discusses concerns raised by rental property owners about CT-RTC. These property owners shared concerns about potential unintended consequences of CT-RTC, worries about how CT-RTC would impact their incomes and businesses, and stressed the need to address broader issues in the rental market, and worries about how CT-RTC would impact their incomes and businesses. It is important to note that their concerns about CT-RTC were often rooted in broader housing market dynamics, including lingering impacts of the Covid-19 eviction moratorium, and proposed legislation seeking to expand eviction protections for tenants. The themes in this section include:

**Concern that CT-RTC prolongs the eviction process:** Some rental property owners said that when tenants have a lawyer working with them, the time increases between serving a Notice to Quit and the tenant's departure.

**Higher rents and more stringent tenant screening practices:** Rental property owners said they may need to raise rents on existing tenants to make up for the financial burden of protracted evictions. Property owners also said that more costly evictions may make them less likely to “take a chance” on a “risky” tenant. However, they also reported having waiting lists for their units and no trouble finding new tenants; in a tight rental market, property owners may be unlikely to consider such “risky” tenants whether CT-RTC were available or not.

**A desire for alternatives to the eviction process:** Rental property owners suggested that the money currently spent on lawyers could be better spent on rental assistance to enable tenants to pay rent arrears. They suggested creating emergency funds to help tenants stay housed (and ensure that rents are paid, and that property owners' incomes remain intact). Some property owners also said that when a tenant has a lawyer, it can make the eviction process more confrontational. They said that mediation between landlords and tenants is more effective. Some suggested a need for mediation at an earlier stage, when a tenant is falling behind on rent but has not yet fallen deeply into arrears.

**Appreciation for certain circumstances in which eviction is not warranted:** Most rental property owners we spoke to acknowledged that it was important that tenants have access to legal counsel in situations where the property is not being properly maintained, or when the tenant is being taken advantage of in other ways. As noted above, close to two-thirds of clients using CT-RTC in the first year of the policy reported defective housing conditions; this suggests that, in most cases, legal counsel is being provided in situations that property owners would consider appropriate.

## SECTION 4

The fourth section discusses gaps, limitations, and opportunities of CT-RTC. These themes include:

**Accessibility and acceptability challenges:** Many eligible tenants are not using CT-RTC. Our interviews identify many reasons for this, including people not knowing about CT-RTC, staffing shortages among legal aid providers, difficulty connecting with legal services, confusion about eligibility, and lack of confidence that CT-RTC would be helpful. Our data also suggest that some of these barriers were more prevalent during the early months of CT-RTC and that legal aid providers have worked to address them.

**CT-RTC is important, but insufficient:** Our data show that Connecticut tenants continue to face significant housing challenges, even when they have access to a lawyer through CT-RTC. These include the fundamental lack of affordable housing options in Connecticut. The tight housing market limits tenants' choices and their power, as landlords are able to enact more stringent screening requirements and refuse housing to all but those tenants that they consider "safest". In the absence of rent controls, and the fact that landlords in Connecticut can evict tenants without cause at the end of the lease term, tenants with low and even moderate incomes struggle to maintain housing stability.

**There is much at stake:** Eviction has well-documented impacts on health, well-being, education, economic security, and housing security. Our interviews underscore these impacts. Tenants described significant challenges finding housing after an eviction judgment due to low incomes, high rents, low vacancy rates, challenges meeting rental screening requirements (e.g., credit scores/records), and the stigma of the eviction. People who experience an eviction filing that does not result in judgment also face difficulties, as filings can show up in the screening tools that landlords use, regardless of the outcome of the filing. (Recent legislation will change this, requiring the judicial department to remove, within 390 days, online records and identifying information from eviction cases that were withdrawn, dismissed or decided in favor of the tenant (Monk 2023b)). Multiple people we spoke with had experienced homelessness after an eviction. They discussed how stress associated with the eviction process affected their health and their children's well-being. Given how much is often at stake for tenants who experience eviction, it is critical to ensure that their legal rights are protected in the eviction process.

# Introduction

In May 2021, the Connecticut General Assembly enacted Public Act 21-34, establishing one of the first statewide Right to Counsel programs for eviction cases. Connecticut was joined by two other states (Maryland and Washington) in passing statewide eviction Right to Counsel during 2021. Similar legislation has been approved in 17 cities and one county and is under consideration in numerous other cities and counties, as well as 11 more states (National Coalition for Civil Right to Counsel, 2023). The Connecticut legislation provides no-cost legal representation to income-eligible tenants and occupants (at or below 80 % of statewide median income adjusted for family size) who are at risk of eviction or subsidy termination. CT-RTC was initially rolled out in 14 of the states' 438 ZIP codes; these ZIP codes were selected because they had historically high eviction rates, with 32% of cases in 2019 taking place in those zip codes. Free legal representation through CT-RTC can be obtained in any eviction or administrative proceeding "necessary to preserve a state or federal housing subsidy or to prevent a proposed lease termination."

CT-RTC was funded by the governor at \$20 million for the first two years using American Rescue Plan Act (ARPA) funds and applied to evictions initiated on or after July 21, 2021. Federal State and Local Fiscal Recovery Fund guidance that followed established the understanding that ARPA funds would cover obligations made by December 2024 and expenses until 2026. The CT-RTC program began to provide services on January 31, 2022.

This report evaluates the impacts of this new legislation and the experiences of those engaged with the new program. It draws on interviews and focus groups, conducted in the first 15 months of CT-RTC, and includes the experiences of tenants, landlords, lawyers, and other stakeholders. These data illustrate the need for CT-RTC, showing its effects on tenants, rental property owners, and the broader communities in which they are located. Our report also examines the limitations of CT-RTC and opportunities to improve its efficacy.

## Context of CT-RTC

When CT-RTC began, many Connecticut renters were facing economic challenges owing to inflation, the end of pandemic-era aid programs, and a severe shortage of affordable rental units (Stout, 2023; Monk, 2023a). According to research from the National Low Income Housing Coalition, Connecticut has a shortage of 89,000 units that are affordable and available to extremely low-income renters (National Low Income Housing Coalition, 2023). As a result, 48% of Connecticut renters overall, and 68% of extremely low-income renters, spend more than 30% of their pre-tax income on rent (Joint Center for Housing Studies, 2023). Across the country, cost-burdened households are often just one unexpected expense away from falling behind on rent and experiencing eviction (Desmond, 2018). Indeed, in 2022, the first year of CT-RTC and following the end of the state's eviction moratorium, 22,629 evictions were filed in Connecticut, and monthly eviction filing rates were above average for all months after February 2022 (Eviction Lab, 2023).

As in the rest of the country (Hepburn et al., 2020), eviction filings in Connecticut are unequally distributed, disproportionately impacting people of color, specifically women of color (CT Data Collaborative, 2023). This unequal burden of eviction filings is the cumulative result of an ongoing history of discriminatory policies that have constrained housing opportunities for communities of color, particularly Black Americans, while subsidizing those for White Americans, contributing to enormous racial disparities in homeownership and wealth (Jackson, 1987; Coates, 2014; Rucks-Ahidiana, 2021; Taylor, 2019; Roth-



stein 2017). Black and Brown communities have also experienced an ongoing history of policy-induced displacement through, for example, urban renewal, home foreclosure, and gentrification (Fullilove & Wallace, 2011). The policies underlying this history intersect with other forms of structural racism (e.g., mass incarceration) to further limit housing access (Blankenship et al., 2023). Consequently, relative to their White counterparts, Black and Hispanic Americans are more likely to be renters, to experience greater rental cost burdens, and to be evicted (Hepburn et al., 2020). In Connecticut, between 2017 and 2021, Black renters were more than three times as likely as White renters to face an eviction filing. During the same period, Hispanic/Latine renters were more than twice as likely as White renters to face an eviction filing (CT Data Collaborative, 2023).

CT-RTC became law in the wake of pandemic-era eviction-prevention policies that significantly affected tenants and landlords and may be affecting their experiences with CT-RTC. Connecticut's state eviction moratorium was one of the longest in the country (Benfer et al., 2022). Landlords were restricted in their ability to provide notice to tenants or file evictions with the courts through June 2021 (Benfer et al., 2022). After this time, they were required to complete a rent relief application that would allow their tenant to obtain rent assistance, before filing to evict. Connecticut received more than \$400 million for such rent assistance from the U.S. Department of the Treasury, distributed through the UniteCT program. Eligible tenant households could receive up to 12 months and/or \$15,000 in emergency rental assistance. On March 31, 2022, UniteCT stopped taking new applications but continued processing existing applications until all funding was disbursed. Then, in January 2023, upon receiving an additional \$12.5 million in treasury funding, UniteCT created an Eviction Prevention Fund that assists individuals "on the verge of being evicted due to owing past rent." (State of Connecticut, 2023).

The moratorium reduced eviction filings significantly (Hepburn, 2023). However, it also created frustrations for some landlords (Stout, 2022) and may have contributed to more stringent screening practices (e.g., requests for higher credit scores) and increases in the amount of security deposit required (Keene et al., 2023). These changes in landlord behavior are likely not entirely due to the pandemic era policies; they may be related to the tight rental market in Connecticut that preceded the pandemic but has worsened in the last few years. The 2022 rental vacancy rate in Connecticut was approximately 3% (Putterman, 2022).

Eviction processes vary from state to state (Hatch, 2017), and experiences with CT-RTC have also been shaped by features of Connecticut's eviction process. Eviction proceedings in Connecticut, as in every state, are summary proceedings (Scherer, 2022). This means that the courts process cases with the goal of quick resolution under the assumption that there are no complex legal issues to address. Stout's report details the steps of the eviction process in Connecticut. They include:

- 1) Notice to Quit:** The landlord arranges for a state marshal to serve the tenant with a Notice to Quit, allowing them as little as three days to vacate. The landlord can file with the court for an eviction after three days if the tenant has not moved out or has not filed an objection in court. Three days' Notice to Quit is a relatively short period compared to what other states require and can make it extremely difficult for tenants to avoid an eviction filing.
- 2) Summons and complaint:** If the tenant does not leave, the landlord completes a summons and complaint and files it with the court; it is then served by the marshal. The summons includes a return date, which is the date by which the tenant must respond. The marshal is required to serve the tenant at least six days before that return date.

**3) Appearance and answer:** The tenant has two days from the return date to file an appearance and an answer – two separate filings – with the court. If the tenant does not file an appearance within two days of the return date, or files an appearance but not an answer, the landlord can seek a default judgment. This judgment can then be used to obtain an “execution,” which allows the landlord to physically evict the tenant.

**4) Mediation and/or trial:** If the tenant files an appearance and answer, a mediation and trial are scheduled for a date approximately two to four weeks later, depending on the court. If the tenant fails to appear in court, the landlord can seek a default judgment. If the tenant appears, the parties may meet with a housing mediator to attempt to settle the case before appearing in front of a judge. If they reach a settlement, a judge will review the agreement. If they fail to reach an agreement, the case will proceed to trial, and a judge will rule based on the arguments and evidence presented.

**5) Judgment and execution:** After the trial, if the judge has ruled in favor of the tenant, they may remain in the property. If the judgment favors the landlord, the tenant has five days to vacate. If the tenant has not vacated by this time, the landlord can request a summary process execution from the court, and the tenant has 24 hours to leave after being served with the summary process by a state marshal. If the tenant does not move out, the landlord can have the tenant physically removed from the property. Importantly, eviction filings (summons and complaint – step 2) can impact future housing searches regardless of the outcome of the case. Even cases that are withdrawn will appear on the judicial website for at least one year and are publicly available. After that time, the records may also be available through databases that landlords pay for and can use to screen potential tenants (Wo, 2022). It is important to note that pending legislation may reduce the length of time that records are kept (SB998; G., 2023).

## **Eviction Right to Counsel in Connecticut**

Connecticut’s eviction Right to Counsel addresses a significant gap in access to legal services. Prior to the implementation of CT-RTC, on average, 32% of CT tenants facing eviction did not make a court appearance, and among those who appeared in court, only 7-8% were represented by an attorney (State of Connecticut Judicial, 2020). In September 2021, the Connecticut Judicial Branch chose the Connecticut Bar Foundation (CBF) through a competitive process to oversee the implementation of CT-RTC. CBF, through a competitive RFP process, engaged five legal service providers, who began providing services to tenants through CT-RTC on January 31, 2022.

The legal service providers assisting and representing eligible tenants in Connecticut are Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, Statewide Legal Services, and the Connecticut Veterans Legal Center. We refer collectively to these organizations as “the Providers.” CT-RTC initially launched in 14 ZIP codes that were chosen as they had historically experienced higher eviction rates than other areas. A few months later, three Hartford ZIP codes were removed due to capacity limitations. Two Hartford ZIP codes remained eligible, though tenants outside these ZIP codes could still contact Greater Hartford Legal Aid and receive assistance if capacity allowed.

A tenant living in one of the selected ZIP code zones is eligible for CT-RTC if they have received a Notice to Quit or a notice of subsidy termination and have an income at or below 80% of Connecticut’s median income. Veterans living anywhere in the state are eligible for CT-RTC through the Connecticut Veterans Legal Center, provided they meet the other criteria.

Tenants receive a flier with information about CT-RTC along with the Notice to Quit documents and also when they receive a summons and complaint. Tenants may call a central number (managed by Statewide Legal Services) and, if eligible, they are referred to the Provider in their region. They may also call their local Provider directly. The Provider conducts a screening, completes an intake form, reviews the tenant's case, and assesses the tenant's needs. The Provider then decides whether to offer advice only, limited representation, or extensive service (Stout, 2022).

## **Evaluating Eviction Right to Counsel**

In November 2021, when CBF engaged Stout as an independent evaluator for CT-RTC, Stout conducted a primarily quantitative evaluation. Its initial report, available here: [https://www.stout.com/-/media/pdf/evictions/stout-2022-independent-evaluation-ct-rtc\\_final\\_2022-12-30.pdf](https://www.stout.com/-/media/pdf/evictions/stout-2022-independent-evaluation-ct-rtc_final_2022-12-30.pdf), covers the first ten months of CT-RTC (January 31 to November 30, 2022).

The evaluators reported that:

CT-RTC helped clients to achieve approximately 73% of their housing stability goals. The most common goals included preventing an involuntary move, preventing an eviction judgment, and securing 30 days or more in which to move.

CT-RTC more than doubled the percentage of tenants with legal representation from 6% to 14% in the ZIP codes where the service was available. In the 860 CT-RTC cases closed by November 30, 2022, 51% of the tenants had received extensive service, and 23.4% received limited representation or brief advice. The remaining 25.6% either received referrals to other legal or non-legal service providers, disengaged from services, or no data was provided. All of the tenants who received extensive service from CT-RTC were experiencing complex situations related to their eviction. These included substantive legal issues, procedural deficiencies, and/or complicated situations within the household that exacerbated the trauma of the eviction process.

Connecticut has a faster eviction process than many states; the law allows a property owner to file for an eviction just three days after giving a tenant a Notice to Quit. It is difficult for an attorney to help a person avoid an eviction in three days.

CT-RTC likely creates significant economic benefits for the state and for local communities, including cost savings related to housing social safety net responses, Medicaid spending, out-of-home foster care placements, and avoiding people leaving the state. Feedback from rental property owners about CT-RTC included the following key themes: 1) appreciation for circumstances where tenants would benefit from legal representation; 2) the importance of pre-filing eviction diversion, mediation, and sustained emergency assistance; and 3) plans to adopt more stringent and robust tenant screening given the expected longer duration of the eviction process.

## **Why qualitative evaluation?**

Building on the evaluation conducted by Stout, this evaluation uses qualitative methods to extend our understanding of CT-RTC's first year. We employ in-depth interview techniques and open-ended questions to capture the experiences of tenants and others affected by CT-RTC. While structured surveys such as those used in the quantitative evaluation can identify the prevalence of certain experiences, qualitative data are important for understanding stakeholder experiences in greater detail. While survey data reduce experiences to countable variables, qualitative data can illuminate the complexity of human experience through narrative accounts. Additionally, while survey data can measure the impacts of a

policy or program, qualitative data can identify the pathways and processes that produce these impacts. Qualitative data are also critical for identifying unintended or unexpected benefits and consequences that evaluators may not have considered.

## **Study Overview**

CBF advised that the qualitative evaluation should focus on three regions where eligible ZIP codes were located. These included the two urban centers of Hartford and New Haven, and one peri-urban/rural area – Windham County. We began the study by conducting three focus groups with tenants and stakeholders, one in each of the three study areas. Then, over a ten-month period, we conducted in-depth interviews with tenants (some who had used CT-RTC and some who had not), along with lawyers, advocates, rental property owners, and other stakeholders. These interviews helped us to understand a range of perspectives and experiences. Finally, we met quarterly with a Community Advisory Board comprising various CT-RTC stakeholders to discuss all aspects of data collection and analysis. Our goals for this evaluation were: 1) to document experiences with CT-RTC in a holistic and nuanced way; 2) to identify impacts of CT-RTC on tenants, property owners, and other community members; 3) to identify initial implementation challenges, successes, and opportunities for improvement; 4) and to identify ways that CT-RTC affects housing stability and other outcomes, including health, education, and employment.

## **Methodology**

### **Community Engagement**

Community engagement ensures that research is informed by people with relevant professional or personal experience of the topic being studied. Community stakeholders help to guide the entire research project, from its design to the data collection process, to data analysis and dissemination. With the aim of maximizing the quality and relevance of our evaluation, we engaged with community partners in three ways: First, we created a Community Advisory Board (CAB) that would convene regularly throughout the project to advise us. CAB members included, from the three locations, people who had personal experience of housing insecurity and eviction, professionals who had engaged with people experiencing housing insecurity and eviction, and activists working in this space. (One of the professionals worked for an organization that owned and rented out multiple affordable rental units.) Second, we identified a key paid partner organization in each location to help us understand issues of housing insecurity and eviction in that location, and to help with recruiting people to interview for the research, including organizing and facilitating an initial focus group. Third, we created a list of other partners in each location who would be willing to help us with recruitment.

At the start of the research, we spent considerable time identifying relevant organizations and key stakeholders in each of the locations being studied. We met with numerous organizations and individuals to seek their advice, discuss their potential role in the project, and ask them who else they thought we should speak with. Appendix One lists CAB members, key partner organizations, and recruitment partners.

### **Qualitative Research**

Our qualitative research approach is inductive and iterative, allowing us to use what we learn along the way to inform ongoing data collection. We used knowledge from early focus groups with stakeholders to design our individual interview guides and sampling strategy, and over time we used ongoing review

and discussion of data to refine our interview questions. We tried to capture a broad range of perspectives and experiences. For example, while at first, we limited our data collection to three CT-RTC program areas, during the evaluation we realized it would be helpful to speak with some tenants who were not eligible for CT-RTC because they lived in other ZIP codes. Overall, we spoke with nearly 100 people through focus groups (N=31), in-depth interviews with tenants (N=41), and interviews with other stakeholders (N=25). Our analysis was also informed by 1) regular input from our CAB; 2) observations at local meetings and events relevant to CT-RTC; and 3) our extensive prior qualitative data collection around eviction and housing insecurity in Connecticut, including a recent qualitative study about eviction and eviction prevention during the first year of the COVID 19 pandemic (Keene et al., 2023).

### **Data Sources: Focus Groups**

Our evaluation relies on four primary categories of data. First, between May and July 2022, we conducted three separate focus groups: in New Haven (7 participants), Hartford (14 participants), and Windham (10 participants). Our partner organizations in each location helped to recruit for and organize the focus groups. Participants included tenants (a few who had used CT-RTC) and representatives from community organizations (advocacy groups and social service providers); some were tenant-advocates. We asked participants broad questions about eviction and CT-RTC, and asked for advice about what questions and data we should include in the next stage of our evaluation. A few individuals from the focus groups also participated in one-on-one interviews (see below).

### **Data Sources: Tenant Interviews**

Next, between June 2022 and April 2023, we conducted semi-structured interviews with tenants in our three study areas: New Haven (n=20), Hartford (n=11), and Windham (n=5), and an additional five tenant interviews with individuals who lived outside of these areas. Demographic information is provided in Appendix Two. We recruited people for these interviews by sharing flyers in both English and Spanish with partner organizations, including CT-RTC Providers. To be eligible, tenants had to have experienced eviction or consider themselves currently at risk of eviction. Interviews with people who had not used CT-RTC gave us valuable information about barriers to utilization and provided a comparison for understanding what the eviction process was like in the absence of legal representation. We deliberately conducted interviews over an extended period to be able to capture tenants' experiences during different seasons and to gather information as the CT-RTC infrastructure developed. Inevitably it took time for tenants across the eligible ZIP codes to learn that the service was available, and for the Providers to hire the full complement of lawyers to provide services.

Of our tenant participants, 73% (n=30) identified as female and 27% (n=11) as male, 58% (n=24) identified as Black or African American, 20% (n=8) identified as White, 24% (n=10) as Hispanic or Latine, 22% (n=9) as other .

Participants' average age was 47. Our sample is demographically similar to that of the CT-RTC clients whose data Stout collected. In the Stout sample, 69% identified as female, more than 75% identified as non-White, and 32% identified as Hispanic. It is important to note that qualitative samples are generally not designed to be representative of the population that is studied, but rather to capture a full range of experiences.

The one-on-one interviews with tenants were conducted either via Zoom or in a private office in New Haven. Interviews were conducted by Dr. Danya Keene (n=16), Dr. Annie Harper (n=13), and three graduate students, Gaby Olea Vargas (n=6), Leah Robinson (n=5), and Whitney Denary (n=1). All

students had extensive experience with the Housing and Health Equity Lab at Yale, and with qualitative research. All interviews were audio-recorded and transcribed. They were conducted in English (n=37) or in Spanish (n=4) by a native Spanish speaker (Olea-Vargas). The interviews averaged 38 minutes in length, ranging from 15 to 72 minutes. After the interview, interviewees completed a short demographic survey. We paid each person interviewed \$50 as compensation for their time. On completion of the interview, the interviewer created a short written summary of the conversation that we used to inform our analysis.

Interviewers used a semi-structured interview guide including broad, open-ended questions with follow-up probes. This format helped to ensure that certain topics of interest were covered, while also allowing the person being interviewed to tell their own story and raise issues that we may not have considered in the interview guide. During the interviews, we asked tenants about their financial and housing situations, and about their relationship with their landlord. We asked about their experience with CT-RTC, including how they learned about it, and what it was like to work with a CT-RTC lawyer. For those who did not use CT-RTC, we probed for reasons behind this. We asked about eviction experiences including receipt of Notice to Quit, experiences in court, and eviction outcomes and impacts.

### **Data Sources: Stakeholder Interviews**

In addition to speaking with tenants, we met with 25 CT-RTC stakeholders. These stakeholders included: legal aid attorneys (n=5), attorneys representing landlords (n=2), representatives from social service organizations (n=5), tenant advocates (n=5), and rental property owners (n=8). The property owners we spoke to owned rental property in New Haven, West Haven, Waterbury, Hamden, and Hartford. Their businesses ranged in size from a few units to more than 100. All except one had at least 10 years of experience owning rental property.

### **Analysis**

As mentioned, throughout the data collection process, the authors met regularly to review and discuss interview transcripts. We also wrote and discussed memos about emerging concepts and themes. Upon completion of the interviews, the research team worked to develop a codebook. First, a group of researchers open-coded 6 interview transcripts, reading transcripts thoroughly and noting concepts and themes in the margins. We used this process to develop a list of codes. We then applied codes from the list to a few transcripts, making edits when codes were unclear or too narrow or too broad. We added additional codes as needed and deleted redundant codes. We repeated this process three times until we were satisfied that the codebook adequately captured concepts and themes in the data. Next, our coding team used Dedoose software to apply these codes to all interview transcripts, focus group transcripts, and meeting notes. We divided the documents among the coders so that each document was coded by just one coder; however, the coding team met twice a month to discuss any coding questions. Dr. Harper and Dr. Keene read and reviewed all transcripts (in some cases multiple times), helping to ensure that any codes that were missed or inappropriately applied did not affect the analysis.

We used coded data to systematically identify important themes, concepts, and topics. Dedoose software can identify all text that is tagged with a specific code, allowing us to compare and contrast different pieces of data tagged with a specific code. In addition to reviewing coded data, we also reviewed full transcripts and interview summaries to contextualize coded data within participants' larger stories, which were often quite complex. In the sections below, we use pseudonyms to preserve participants' anonymity.

# Findings

## SECTION 1: THE NEED FOR RIGHT TO COUNSEL IN EVICTION CASES

### **1.1 CT-RTC Lawyers are assisting in cases that have substantive (and often complex) legal issues**

As noted in Stout's report, tenants seeking legal representation from CT-RTC are frequently navigating complex situations related to their eviction and have substantive legal issues (or procedural deficiencies in how the case was brought). Data analyzed by Stout from the first year of CT-RTC find that 100% of the 439 closed cases that had received extensive service from CT-RTC lawyers involved complicated issues including defective housing conditions, oral contracts, issues with management, disability, or multiple issues. Case complexities related to housing subsidies, protected tenant status, and housing conditions were prominent themes in our interviews with tenants and other stakeholders.

#### *Housing Subsidies*

Data analyzed by Stout showed that 26% of CT-RTC clients were living in public housing or received a housing voucher or subsidy. Tenants we spoke to described how ambiguity regarding payment of housing subsidies could lead to or complicate eviction cases. For example, Tara, a Black tenant from Hartford, received a Notice to Quit when her voucher-subsidized apartment did not pass inspection after a new owner purchased the building and failed to maintain the property. Though Tara had paid her portion of the rent on time each month, the state Rental Assistance Program (RAP) stopped paying its share due to the failed inspection. Tara explained, "I've been here for ten years. A new landlord bought the building, I wanna say a year and a half ago. We had an inspection. It didn't pass inspection since November of last year. So, he was trying to evict me for nonpayment of rent due to my RAP not paying him." Many of her neighbors were evicted when the new property owner arrived. Tara tried to resolve the issue on her own in court, but reached out to a lawyer when the process became overwhelming.

Other tenants described issues related to loss of housing subsidies that required adjudication. For example, Christine, another Black renter from Hartford, reached out to legal aid when her housing subsidy was in jeopardy due to multiple issues with the required regular recertification process. Christine had failed to complete essential paperwork while hospitalized with COVID. She explained,

I have Section 8 [a housing voucher]. And [the housing authority] was putting me through the wringer where they was terminating me. ... Once I got that first letter of termination, I jumped, and I got an attorney because they did give us the right to. That was in the letter, to obtain legal aid if we need to. I jumped on calling them, because I just couldn't understand why you would want to terminate me, and I'm not working."

When we spoke with Christine, she was working with a CT-RTC attorney to resolve these issues and retain her housing subsidy.

#### *Protected Tenants (Due to Age or Disability)*

While landlords in Connecticut are allowed to commence eviction proceedings at the end of the lease term without cause, the law protects tenants from no-cause evictions if they live in a building with five or more units and are age 62 or older, or have a disability, or live with someone who is 62 or older or has a disability. According to Stout, approximately 49% of CT-RTC clients or someone in their household had a physical or mental disability or other health condition. (For comparison, only 11% of Connecticut resi-

dents have a disability.) Although we did not ask tenants if they were disabled, we did ask about income and found that one-third of those we spoke to were receiving disability benefits. Stout also found that just over 8% of CT-RTC clients were over 65 years of age. In our tenant sample, six (17%) were aged 62 or older.

We spoke with some tenants who had received a Notice to Quit despite being protected from eviction due to age- and disability-related aspects of landlord-tenant law. For example, Paige, a Black renter from Milford, received a Notice to Quit from her landlord despite being current on the rent for the home she had lived in for more than 7 years. Paige's husband is over 62 years old, and is disabled, so they were doubly eligible for protection from no-cause evictions. Though Paige was not living in a CT-RTC ZIP code zone, an organization in her community connected her to a CT-RTC lawyer at NHLAA who advised her about her protected status. As described in more detail below, the lawyer also assisted her in court. Paige was able to remain in her home. Luke, a New Haven renter who identified his race as other, was also told about his protected status by his CT-RTC lawyer. He explained, "So, he told me, he said, 'They can't evict you.' I said, 'Why?' He said, 'Because, number one, you're 62 years old.' See, a lot of people don't know that." Luke went on to explain that in addition to ignoring this age protection, his landlord had violated his right to privacy and other tenant rights, further complicating his case. Given the high number of CT-RTC clients who have a disability or are over the age of 62, Paige and Luke's experiences are likely not unique among CT-RTC clients.

### *Housing Conditions*

A significant number of CT-RTC cases involve substandard housing conditions. In the first year of CT-RTC, 59% of clients reported defects in their housing, with 70% of them reporting more than one (Stout, 2022). Of the CT-RTC clients who received a Notice to Quit for non-payment of rent, 11% had withheld rent due to defective conditions (Stout, 2022).

Our interviews provide many examples of these conditions, including black mold, pests, missing or broken appliances, and other maintenance problems. Some tenants described severe housing hazards that affected their health and well-being and were a significant source of stress. For example, one New Haven focus group participant described placing cotton in her children's ears at night to prevent cockroaches from crawling into them. Samantha, a Hispanic/Latine tenant from Windham, noted that she had endured a rat living in her oven for three months before the management company finally came and placed poison, which led to a "funky smell" that she attributed to the dead rat being somewhere behind her cabinets. Daniella, a Spanish-speaking tenant from New Haven, explained that her multiple inquiries about problems with cockroaches and rats were not addressed, noting, "He [the landlord] said, yes, that he was going to send someone, but in reality, he never did anything."

Tenants we spoke to expressed frustration that they were unfairly expected to keep paying their rent in the absence of essential repairs and maintenance. Sammy, a Black tenant from New Haven, told us, "My stairs was broke for, like, four months, and every time I told her [the landlord], she'd tell me, 'That's not my job.' All right, was your job to charge me \$100 late fee every month?" A few property owners we spoke with articulated a similar expectation of reciprocity, noting that there should, ideally, be a "two-way street" in the landlord-tenant relationship, with the landlord obliged to maintain adequate conditions and the tenant obliged to keep paying rent.

Tenants also described barriers to advocating for improvements to these conditions. Some feared that requesting repairs would result in retaliation or eviction. As Samantha explained, "If I really wanted to be



a bad person, I could have got a lawyer, and I could have got them in trouble because of the conditions of the apartment.” But Samantha described not wanting to rock the boat and give her landlord a reason to evict her. A member of our advisory board who had experienced eviction discussed such concerns. She had been raised to always try to resolve a problem on one’s own, and to avoid reaching out to the landlord, given concerns about retaliation. This fear of retaliation may contribute to delays in reporting problems, an issue about which the property owners we spoke to expressed frustration. As one Waterbury property owner, Bill, explained, “If there’s something broken, they won’t mention it, and then eventually it’ll get bad enough that you got to do something. So water will be leaking for two or three months under the sink, and they won’t say anything.”

Tenants often saw withholding rent as their only source of power to address defective conditions. Tenants do have the right to divert their rent payments to a court when they claim their home is uninhabitable, but they must do so through a legal process. This begins with making a formal complaint to the local code enforcement office, and then filing a lawsuit if needed repairs have not been made within 21 days. Only then can the tenant withhold rent by paying it to the court clerk, who holds it in escrow. However, if the tenant has already received an eviction notice, they may not be able to start the lawsuit (CTLaw.Help, 2023). Several tenants we spoke to had received eviction notices after they stopped paying rent due to poor housing conditions.

As one focus group participant from Windham explained,

I had mold. I had issues with a leaking ceiling. I went to my landlord, wrote about it. Told them that, you know, I didn’t want to pay rent until these things were fixed, on top of it having a child coming into the home. So, I ended up getting an eviction notice, after the month of not paying rent, [and] I went to the courts. They told me it was too late. I told them what had happened. I wrote saying these things weren’t fixed. I wasn’t working. They basically told me it’s too late. I didn’t know anything about eviction process.

### *Summary*

The “summary proceedings” of the eviction process are designed for quick completion, with the aim of returning possession of a property to its owner as soon as possible. However, the process assumes that a given eviction does not raise complex legal issues. Because many eviction cases do prove to be complicated, legal representation can be critical to ensure that any complexities are adequately adjudicated. Our data highlight that the complexity of an eviction case often reveals itself over time as a person engages with legal services. Those complications may not be identified through the screening processes often used to prioritize limited legal aid resources, as tenants are often not aware of their rights. Expanded access to counsel through CT-RTC thus may be critical to both identifying and resolving the complexity of certain eviction cases.

## **1.2 CT-RTC addresses prior gaps in access to legal representation**

As noted in the Stout report, before CT-RTC, few tenants had access to legal representation that could address the complex legal issues they faced. While landlords build legal representation into their business costs, tenants very often cannot afford a lawyer, or simply don’t know that they have the option of seeking representation.

### *Prohibitive Cost of Legal Services*

Several tenants in our study described an unmet need for legal services in the absence of CT-RTC. They recognized that having a lawyer was critical to the outcome of their eviction cases, but often did not have the resources to obtain one. For example, Kerry, a White woman from East Haven, who lives outside the ZIP codes eligible for CT-RTC, hired a lawyer with financial help from her boyfriend's mother when she first received an eviction notice. The case was dismissed. When the landlord immediately filed again for eviction, Kerry could no longer afford the lawyer. She explained, "Yeah, his mother didn't have money for another lawyer, we couldn't find help so we just kind of been winging it." She tried to obtain help from CT-RTC but was outside the ZIP code area. She explained, "Yes, when I called, they said your ZIP code isn't covered... you're just like 15 inches across the line and so 06512 you can't have it."

Alena, a White tenant from New Haven, said that accessing a lawyer was prohibitively expensive prior to CT-RTC. She explained, "And I think the two – the two lawyers that I had, the free consultation with or whatever, you know, they wanted like – it was least – it was at least like \$2,000 to \$3,000. I forget exactly...you know, it was kind of a lot of money. I don't really have any money."

Tenants who were struggling month-to-month to pay rent did not have the extra funds available to hire a lawyer. Some did find the money to pay for what they thought would be legal support for their eviction situation, but they often got little benefit. For example, a tenant in the Hartford focus group explained,

...and so, they gave me a number to call a gentleman who's a lawyer and I had to pay \$35 to this man to give me advice about what my situation was in the housing court. To only have him tell me that he can open up the case, but I gotta pay him \$850...

Christine, introduced earlier, paid a monthly fee to a company called Legal Shield that she says did little to protect her. She explained,

I don't know too much. It was something that was introduced to me. I had to pay a fee I think every month or something like that. I couldn't—once I couldn't handle it no more, that it wasn't in my budget to do that, you know, I couldn't—I had to let them go..... I got—I'm gonna be honest. I got more help with Legal Aid than with Legal Shield.

### *Lack of Knowledge About Legal Counsel*

Cost was not the only barrier indicated in our data. Wilma, an owner-occupier landlord who also ran a sober house, told us that tenants sometimes do not know that legal counsel is an option in the event that they are being evicted, or how to find it. She explained,

They [a lot of tenants] don't know what they can get, what they're eligible for, what their rights are. They go by listening to what the landlord says. ... They get scared when they get these letters from some man who said this, I've had to do this. They don't know their rights, they don't know that. Sometimes they're wrong as a tenant, too, don't get me wrong: sometimes they're wrong. But a lot of times they don't know their rights, and what they can do and cannot do. So, it would just be nice to educate the people too, right.

### *An Uneven Playing Field When Tenants Are Unrepresented*

Given these barriers to legal representation, most tenants navigate their eviction cases on their own,

sometimes simply leaving their home, not showing up in court, or representing themselves in court. Tenants we spoke with described how this created an “uneven playing field,” where landlords were represented, and tenants were not. As one New Haven focus group participant explained, “The landlords are up there with all their lawyers, and here I am standing with – . . . with my hands, you know, clasped together. Me against them. . . .”

Carolina, a White tenant from Hartford, described how her lack of representation prevented her from advocating for herself in a virtual court hearing. She explained,

She [her landlord] just didn't let me explain to her because it was on video. It was her lawyer, her, and the judge. I was only by myself. It's like they didn't let me talk. I wanted to [ask], 'Can you give me a chance to come with this money?' Especially with COVID you're not supposed to kick nobody out like that. So when the judge had told me if I had any questions, I said yes, [but] as soon as I was talking she [the judge] cut me completely there. She didn't let me finish. So she had told me that I have to discuss that with the landlord. So as soon as the judge got off the video and I was trying to talk to her she was just laughing and hung up on the Zoom. He didn't wanna discuss it 'cause I didn't have a lawyer. I was all by myself. So they wrote a statement saying that I had to get out.

Kerry, introduced earlier, described a similar dynamic in which a lack of representation prevented her from fully participating in her case. She described the judge, mediator, landlord, and the landlord's lawyer as a “good old boys' club” who met “while she waited” in the hall. Kate, a lawyer who represents tenants, elaborated on the power dynamic that Kerry described, explaining that court mediators sometimes pressure tenants to reach a settlement. She noted, “If the landlord has a lawyer and the tenant's there by themselves, the mediator does not work for the tenant. The mediator's job is to work for the court, to see if they can get the sides to come to an agreement and avoid having a trial.” She explained that during mediation, landlord attorneys and mediators often pressure tenants into settlements by offering them more time to move, telling them that if they go to trial, it could end in them having to move more quickly. As illustrated in the examples below, tenant representation through CT-RTC can help ensure that tenants are not pressured into premature settlements and that eviction cases are adjudicated in accordance with the law.

## **SECTION 2: IMPACTS OF PROGRAM**

### **2.1 Preventing an involuntary move**

Existing evidence indicates that having a lawyer reduces the likelihood of eviction judgement and forced move. Stout found that 82% of CT-RTC clients stated that their goal was to prevent an involuntary move, and this was achieved in 71% of those cases. Our data support this, showing how lawyers are able to help tenants stay in their homes when it is likely that they would otherwise have been evicted. In some cases, the lawyers were able to forestall evictions by informing tenants of their rights and providing advice about the steps to take. The lawyers' guidance empowered the tenants to self-advocate. In other cases, this was insufficient, and lawyers chose to represent tenants in court.

Sometimes lawyers enabled tenants to avoid an eviction judgment by helping them to find resources to pay off rent arrears and be able to afford rent in the future. For example, Rebecca, a veteran living in New Haven who identified her race as Other, had fallen behind on her rent after dropping out of college due to mental health problems associated with the pandemic lockdown. Her VA stipend was contingent on her being enrolled in school, and so she lost it. Rebecca applied for various rental assistance programs

but was not successful. As she contemplated eviction, her mental health worsened. Eventually, Rebecca heard about and contacted CVLC. CT-RTC lawyers helped her to find money to pay her back rent and connected her to a program that will subsidize her rent for the next two years. Rebecca explained, “I never had to go to court, and I was able to get the funds through different programs. We put a plan in place.”

In other situations, lawyers can prevent eviction by assisting tenants in addressing issues related to housing subsidies or protected tenant status, as mentioned above. For example, Tara, introduced earlier, called 211 and was connected to GHLA after her landlord filed an eviction because RAP (a state rental assistance voucher program) had stopped paying its share of the rent. The landlord did not come to court, and the case was dismissed. Tara suggested why the owner might have chosen not to appear: “Once he know I had a legal aid, ‘Oh, you got you a lawyer. You got you a lawyer.’ ” Tara was grateful for the legal assistance she received. “I met with a lady. She was amazing.” Tara went on to explain,

I brought a folder with everything I had, my rent receipts...I brought everything that I had in. She was like, ‘He messed up in a lot of things. As long as you got your receipts, you’re paying rent, there’s nothing that he can do’...Just explained to me my rights and everything like that... We went to court...[and] they dismissed [it]. Everything is over thanks to her.

The story of how Paige and her husband avoided eviction (see section 1.1) illustrates the potential impact of CT-RTC in preventing forced moves. When they were served with a Notice to Quit, they were not behind on rent, but the landlord wanted Paige to move out, possibly because rapidly rising rents in the area would allow him to find a higher-paying tenant. Through connections in her community, Paige learned about CT-RTC. Though she was not eligible based on her address, a lawyer from New Haven took on the case, given Paige’s protected status due to her husband’s age and disability. Because the case was so strong, the lawyer decided to provide “pro se” advice (when a lawyer does not represent a person but advises them how best to represent themselves). However, when Paige went to court for mediation, despite her strong case, she said that she was intimidated into accepting a deal to leave in a few weeks. The mediator told her that the other option was to “risk” going before the judge and possibly having to move out within days.

Paige said, “The mediator said to me, ‘If you go to the judge – we’re giving you, let’s say, three weeks here...because the judge might give you just two to three days to get out’... It gets scary.” After accepting this deal, Paige called the lawyer from outside the court; the lawyer made an emergency appearance and was able to get the eviction dismissed. Paige explained, “if I didn’t have [the lawyer] to step in.... no one can afford to pay for an attorney, even if I was making whatever...So anyway, the big deal was now I have an attorney. You see things turn around.... the eviction was tossed out. So, in the end, ah, I could breathe. Oh my God, thank God.”

In some cases, landlords were violating tenants’ rights, and lawyers were able to dismiss the eviction cases. For example, Luke introduced earlier, called 211 and was connected with an NHLA lawyer when his landlord tried to evict him in order to turn the property into a sober house. Luke has no lease – in common with 35% of CT-RTC clients, according to the Stout report – and paid his rent in cash. The lawyer advised Luke to start paying with a money order. But when Luke tried to pay February’s rent, the landlord refused his money. Luke said, “I had the money order for them to sign. So I went to him, and he said, ‘No, I don’t want your money.’ ” The lawyer then advised Luke to pay rent into escrow. As Luke said, “He [the lawyer] was like, ‘Bring the rent money down here to us and we’ll put it in a safe

deposit box for you, so if push come to shove, if they deny the rent, you still have it in case you get your apartment. Then you can use that as a, you know, down payment for your apartment.’ ” Two weeks later, after the lawyer had informed the landlord that he could not evict Luke as he was over 62 years old, and that they had invaded Luke’s privacy (including installing a camera facing his window without informing him), the landlord dropped the case. Luke said that his lawyer “did wonders, you know, and got it to where I didn’t have to go nowhere. You know? I’m very happy and I’m very proud for him to get me to where I’m at right now. Comfortable, you know?” Without a lawyer, Luke says that he “probably would’ve been on the streets.” He said, “I didn’t know how to fight these people, you know, legally.”

Our interviews suggest ways that CT-RTC can support tenants with behavioral health challenges to retain their housing. The harm caused by losing housing may be severe for people with mental health challenges. For example, Hasan, from New Haven, was living in a housing program for people with disabilities when he was incarcerated for some months. During that time, he found out that the program would no longer pay his rent, so he was being evicted. After release, he managed to obtain emergency rental assistance funds from UniteCT and was able to stay in his home for a few months, but he received a Notice to Quit when that money ran out. Hasan contacted CT-RTC, calling the number that was on the flyer that accompanied the Notice to Quit. Hasan said, “I told them the situation, you know, their lawyer and then we went from there... it was something spectacular, because she got everything – she got me back on the program, and the rent paid for since February.” The eviction was withdrawn. Hasan noted that without the lawyer, he’d probably be on the streets – and also could have ended up back in prison.

## **2.2 Securing time and minimizing the harm of forced moves**

Tenants using CT-RTC were not always able to stay in their homes. Sometimes remaining was not economically feasible for the tenant, and sometimes tenants wanted to move elsewhere. In other cases, landlords exercised their right to remove a tenant without cause at the end of the lease term. However, even in these cases, our interviews show that CT-RTC was able to help negotiate exits that both minimized adverse impacts for tenants and ensured the timely return of property to its owner. Stout found that 51% of CT-RTC clients have the goal of securing 30 days or more to move. Our data shows how crucial it can be for tenants to have the time they need to make that move and the role of CT-RTC in obtaining this time.

Sandra, a White tenant from Hartford, described how a CT-RTC lawyer helped her secure six weeks to move out of her home. Sandra fell behind on her rent during the pandemic due to a gap in income and received a Notice to Quit. She reached out to legal aid immediately upon seeing the flyer about CT-RTC. Sandra and her lawyer determined that she would not be able to catch up on her rent. Although she was employed again, and able to resume paying the \$950 monthly rent, she was not able to afford the additional \$600 a month of back rent that her landlord was requesting. The CT-RTC lawyer helped Sandra to negotiate a move date six weeks away.

The property owner was able to regain rights to the property within six weeks, during which Sandra continued to pay rent. The extra time allowed Sandra to plan to move in with her mother and pack her things. The arrangement also allowed Sandra to avoid an eviction judgment on her record. That would help her in finding a new place to live and ensure that she remained eligible for rental subsidies. Although Sandra described significant costs associated with the move, including her children’s having to change schools and the stress of having no place of her own, she felt that things would have been much

worse without legal assistance. She contrasted her experience with a prior eviction when she did not have legal aid. In that situation, she said, “I felt like I didn’t have any help, any power to come into agreement or anything.”

Monique, a Black tenant from Windham, also described the benefits of working with CT-RTC. With legal advice, she was able to get her eviction case dismissed and secure time to move, although she was not able to remain in her home after the lease expired. Monique, a single mother, fell behind on her rent after her father passed away from an aggressive cancer. As a real estate agent who works on commission, she experienced a significant gap in income while dealing with her father’s illness and death. Although she had substantial savings, this was not enough to prevent her from falling behind on rent. With rental assistance through UniteCT, she was ultimately able to pay the back rent, and her lawyer helped her get the case dismissed. This allowed her to stay in her home until the end of her lease. However, she was not able to renew her lease, given the landlord’s policy not to renew leases for individuals who had been involved in legal action. Monique would have preferred to stay where she lived, and it took her a while to save enough security deposit for a new place. (She stayed with her boyfriend in the meantime.) She was, however, grateful to the lawyer for helping ensure that she had sufficient time to prepare herself and her children for the move, and that she was able to avoid having an eviction on her record. She noted, “Yeah, I think it would have been horrible if I didn’t have her. I’d probably either be maybe living with family or friends a lot sooner. It’s scary when you don’t know the law.”

Dominic, a Black veteran from Bristol, also described how lawyers at CVLC helped him secure extra time to move after the building where he had lived for 20 years after the building where he had lived for 20 years had been sold, and the landlord informed all tenants that they must leave. Though Dominic did not want to remain in the building, he found it difficult to find a new rental that he could afford on his fixed income. Although Dominic had a legal right to remain in his home as a protected tenant over the age of 62, the landlord served Dominic multiple notices to quit. The landlord also offered him \$3,000 to leave, threatening that if he stayed, Dominic would end up with an eviction filing on his record. Dominic declined this offer, noting that “\$3,000 wasn’t worth being on the streets.” On the advice of his lawyer, he remained in his apartment and continued paying rent until he was able to find replacement housing, a VA dormitory-type accommodation where he will stay while on a waiting list for subsidized housing for the elderly.

Notably, in Dominic’s, Monique’s, and Sandra’s cases, the extra time that lawyers were able to help them obtain did not result in added costs to landlords. All three tenants continued to pay rent until they moved.

### **2.3 Helping tenants navigate an arduous and stressful process (administrative burdens)**

Beyond preventing forced moves, our data also illustrate how CT-RTC can shape the experience of eviction in ways that likely support tenant well-being. Many tenants described how having a lawyer reduced the stress and anxiety associated with the eviction process, regardless of the case’s outcome.

Some tenants described the relief they felt when they were first able to connect with a CT-RTC lawyer. For example, Monique, introduced above, explained, “Well, I’m already in a frenzy and worked up and stressed out. So I called [the CT-RTC lawyer]. I’m not going to lie. I feel like she definitely put me at ease. Her main things were like, ‘Don’t worry. We’ll figure this out...’”. Monique’s initial conversation with the lawyer helped ease her initial panic and feelings of hopelessness stemming from the eviction. Lessening her anxiety helped her better navigate the eviction process.

Similarly, Luke described how his CT-RTC lawyer helped relieve stress associated with the eviction process, in part by providing logistical support throughout. Luke commented,

Oh, yes. Yes, yes, yes. [The lawyer] eased my brain very, very much. He put me at ease, you know?... He put me in a comfortable zone [by saying] 'Just relax, do what you have to do, and I'll do the rest.' I said, 'No problem. I'll leave it up to you.' That's what I told him. I'll leave it up to him, and that's what I did, and it worked out very well for me.

Like Luke, other tenants appreciated the help that lawyers provided with navigating a bureaucratically complicated and often opaque process. For example, Alena described the administrative challenges associated with the eviction process that can consume bandwidth, time, and resources, and that requires knowledge that many tenants may not possess. She explained,

You have to go file paperwork. You know, the average person doesn't know what they're doing and, you know, you can call the court, but I was busy working. It's kind of hard to call during breaks and write it all down. I don't know. I dropped the ball a little bit, but, yeah, it's really great that New Haven legal aid [New Haven Legal Assistance] helped me because on my own I'd have already been out of here most likely."

Alena went on to describe how the administrative assistance she received from the lawyer reduced her stress during the eviction process. She explained, "So, you know, I mean right away you have somebody, you know, that's your lawyer. That's a big help. It's just comforting 'cause it's very stressful. It's stressful for me. So, you know – so I forget the legal terms."

While tenants also received important sources of support and stress relief from caseworkers, social workers, and others, our interviews highlight unique aspects of legal support. Lawyers are not simply "someone on their side." They also have legal knowledge that tenants perceive as protective and empowering. Tenants said having a lawyer during the eviction process made them feel less intimidated by the power imbalance between them and their landlord. For example, Tony, a Black renter from New Haven, said lawyers "know what to do and who to talk to and put you in the best position to get you out of that situation or at least ease your mind." During the focus group held in New Haven, one participant spoke of the value of having a lawyer regardless of the outcome. She noted,

... my thing is that I want people to understand is that right to counsel –that you may have a lawyer – just like when you get arrested for criminal things. If you have a lawyer that doesn't mean you're not going to go to jail. Right? ... It evens the playing field, but it does not necessarily mean that you're not going to get evicted. It doesn't necessarily mean that. It's just that, you know, you have someone who's on there. And that makes me feel a heck of a lot better.

A few tenants described how their landlord's behavior changed when they were able to obtain legal assistance. For example, Sonia, a Black tenant from New Haven who connected with CT-RTC soon after receiving a Notice to Quit, explained that,

Since I guess they got wind that I am going through this whole thing...Nobody's come to the house, nothing. No phone calls, no letters in the door, no marshals rubber-banding another eviction out or nothing. I'm straight. It's been pretty good...They used to literally call me almost every week, try to figure out what's going on ... before the Notice to Quit. So after the Notice to Quit and then they sent the eviction, and

since the eviction came, I haven't heard nothing from them.

#### **2.4 Impact on power imbalance in landlord-tenant relations**

Landlords have more power than tenants during the formal eviction process, given the much greater likelihood that they have legal counsel, and the fact that the legal process currently favors the landlord. Even outside the eviction process, landlords have considerable power over tenants. Dependent on the owner for the roof over their head, tenants have almost no negotiating power, particularly low-income tenants in a tight rental market where there are so few alternative housing options. These power dynamics can undermine tenant rights and tenant well-being. While having access to legal counsel when threatened with eviction does not change the fundamental power imbalance between landlords and tenants, our data does suggest that CT-RTC can begin to rebalance it to some extent. The Stout report notes some of the ways that CT-RTC is beginning to have systemic impacts beyond the eviction process, including cases that set a precedent that may deter certain types of evictions, such as when tenants have a meritorious defense. People we spoke to also suggested that when tenants know they have the option to use CT-RTC, they may be more likely to stand up for their rights and try to stay in their homes. They may feel that they are able to make different decisions before they are faced with an eviction.

As described earlier, some tenants told us that the fear of eviction prevents them from asking landlords to perform required maintenance or to address serious health hazards. They also told us the fear of an eviction record, and lack of knowledge of their rights, can result in their deciding to leave before potentially facing eviction. Silvia, a White tenant from Windham, described her situation when a landlord told her and her son to leave their home. Silvia said,

I don't even know my rights, to be honest with you. So I don't know if legally they could have done that to me or my child. ... I don't really know why he wanted me to leave. I don't know if it's because I couldn't pay the rent [or] because I ended up getting back on the methadone clinic. ... I've never been evicted. So I don't know. And I left the same day. I didn't even like didn't even bother. I was like, 'I'm out.'

A participant in the Hartford focus group said,

There's a lot of people that just leave their place because they don't know...I have young people in my building who really left their apartment and I tried to explain to them, 'No, that's just the Notice to Quit. It has to go through a process,' but they're so scared and the landlord keeps harassing them. Do you know what I'm saying? But they're just like you I gotta go and then they end up homeless.

It is possible that expanded access to legal services through CT-RTC could encourage tenants to stay in their homes longer, and perhaps avoid forced moves.

Some tenants told us they think that CT-RTC may also encourage property owners to make different decisions about whether to initiate an eviction. As Tania from New Haven put it,

It may take the...wind out of the sail of these landlords who think they can do whatever they want to do when they want to do it, you know [once] we tenants, we have counsel too, you know. You're not the only [one] up there, you know. And so yeah. So I think that that...will make them think twice, you know, especially with some frivolous bullshit for no reason.



Luke said something similar,

I mean, you know, some people gotta realize what century we're in, you know? People think they can just—'cause they have the power to do anything they want to do, which they really don't when it comes to legal stuff, you know? And they think some people are so stupid and dumb that they—they're not gonna follow up on what illegal stuff they do. You know what I mean? So, by me doing what I did maybe open their eyes to whatever wrong they're doing.

Based on his experience of working with CT-RTC, Luke had advised others living in his building to stand up for their rights. He said,

I've talked to like five different people that's still in that house that they done raise their rent on. They're paying way more than what I'm paying. And I'm like, how could you accept that? How could you accept paying this man all this money and we don't have cable, we don't have internet? The heating system sucks. And you're actually gonna give that man that kind of money? Are you freaking kidding me? I'm like, y'all gotta wake up and smell the coffee. I said you need to go get you a lawyer, a Legal Aid lawyer.

### **SECTION 3: RENTAL PROPERTY OWNER CONCERNS**

When we interviewed rental property owners and their lawyers, they raised several concerns about CT-RTC, similar to those described in the Stout report (Stout, 2022). Property owners discussed specific concerns about the implementation of CT-RTC, potential unintended consequences, a need to address broader issues in the rental market, as well as concerns about how CT-RTC would impact their income and business. While property owners that we spoke to generally had different perspectives from those of tenants, activists, and housing service providers, there were some congruences in all accounts: including the need for more tenant-based rental assistance and a desire for more eviction prevention resources, such as early access to mediation or eviction diversion. Furthermore, though property owners had concerns about CT-RTC, many agreed that tenant representation and access to legal services was warranted and important in some situations. Additionally, it is noteworthy that in our interviews with rental property owners, concerns about CT-RTC were often connected to concerns and anxiety about other issues. They discussed lingering impacts of Connecticut's 17-month eviction moratoria, and increasing media and policy attention to tenant protections that they perceived as both threatening their livelihoods and making them out as the “bad guys.” They also expressed concern over proposed legislation such as for rent caps and just-cause legislation. These proposals seek to limit the grounds on which an owner can raise rent or evict a tenant. Jenna, a lawyer who represents landlords, suggested that the landlords that she works with are more concerned about those potential changes in the law than they are about CT-RTC.

#### *Concern That CT-RTC Will Lengthen The Eviction Process*

Rental property owners raised concerns about the potential for CT-RTC to slow down what they saw as an already slow eviction process. Though pre-pandemic data indicate that the eviction process in Connecticut was relatively fast compared to other states (Stout, 2022), property owners described significant eviction delays over the last few years. During the height of the Covid pandemic, they had experienced Connecticut's 17-month eviction moratorium, one of the longest in the country (Benfer et al., 2022). The property owners said that they were still facing substantial delays in the eviction process, compared to before the pandemic. They gave examples in which removing a tenant took several months, resulting

in substantial lost income that affected their ability to cover expenses. Some of the examples they gave predated CT-RTC or did not involve CT-RTC lawyers. Jeff, a Hartford-based rental property owner, said, “Today it takes months, partially because of all this stuff going on, this free lawyers for everybody. It could take three, four months, plus any damages of unpaid rents plus the lawyers’ fees to get rid of people.” Many believed that tenants’ access to counsel has made the eviction process even slower. They described instances in which legal aid lawyers slowed down the process and tried to secure extra time for their clients by raising all possible defenses, including procedural deficiencies in the case. For example, though Clark had not yet worked with CT-RTC, he expressed concern about past interactions with legal aid lawyers who, in his view, prolonged the eviction process unnecessarily. He explained,

They try to come up with any way to stop the eviction, and sometimes it’s a little underhanded how they do things. I’ve seen [this] in the past and I’ve talked to other landlords. They use some type of minutia excuse or law, anything to try to get their client out of the eviction process, to stop the eviction process and not to pay the rent, et cetera.

However, from the perspective of tenants’ lawyers, procedural deficiencies violate tenants’ rights and are often overlooked when tenants have no access to counsel.

It is difficult to isolate the effects of CT-RTC on the average time to judgment. Numerous factors have affected this process during and since the pandemic; furthermore, CT-RTC cases not only have unique characteristics but also constitute a small percentage of all eviction cases. As more data are collected, it will be important to assess the impact of CT-RTC on the duration of eviction cases.

A longer eviction process will increase landlord costs and make them less likely to take risks. The rental property owners we spoke to were concerned about the financial implications of what they perceived to be increasingly lengthy eviction processes. Clark, a New Haven-based property owner, explained, “When you’re starting eviction, you’re behind, but then to kick them out, it takes six months to get them. You have lawyer fees, court fees, et cetera. Then you know you’re not going to get them to leave the apartment. [Inaudible] – conditions, so then you have to invest thousands of dollars in fixing up that apartment also.” Rental property owners said that increasing the length and difficulty of the eviction process could have unintended consequences for the rental market by making owners more reluctant to “take a chance” on a tenant whom they perceived to be “risky.” Such prospective tenants might include people with prior eviction records, criminal records, low credit scores, or people who lack proof of sufficient income. For example, Bill, a Waterbury property owner with many properties, explained,

If the eviction process lasted 30 to 60 days, if you got an eviction on your record, a landlord would say, ‘Hey, I know I’m only gonna lose one to two month’s rent. I know that you’re a risk, but I’ll give you another chance cause I’m not gonna get that big of a hit on me if you don’t pay your rent ’cause you’ll be gone in two months.’ But knowing that it takes – in some cases it takes a lot longer than three to six months, but three to six months is the average. So what ends up happening is people who were down on their luck who have an eviction on their record don’t get the same opportunity they would if the eviction process happened quicker.

While Bill does sometimes accept tenants who have eviction records, he often requires them to pay security deposits as a source of insurance. He generally does not otherwise charge security deposits because his tenants often cannot afford them.

Jeff, who owns many rental properties in Hartford, described concrete ways that his screening practices had changed over the past few years due to perceived barriers to removing tenants, though he did not attribute these changes exclusively to CT-RTC. He explained how screening has become more stringent. “We used to do it with, you’ve got two or three months of paystubs or whatever. I [now] want to see six months to a year, depending on the apartment, because I risk too much.” Jeff went on to explain that additional scrutiny resulting from a perceived sense of risk was likely to have the largest effect on more disadvantaged tenants. He asked, “Who is that gonna hurt? That’s not gonna hurt the guy with great credit, who has a great job. I’m not worried about him paying me the last month’s rent and trashing the place. It’s the lower end, where I’m gonna be like, ‘Okay. Here’s a guy with all those problems, who just got a new job because they helped him. He doesn’t have any money saved.’ ” It is important to note, however, that a number of changes to landlord screening requirements predated CT-RTC and may be related to other factors such as a tight rental market, or owners’ experiences during the eviction moratorium.

Some rental property owners we spoke to suggested that they might raise rents to adjust for the perceived increase in costs of eviction processes. In that way, they said, CT-RTC could hurt “good tenants.” As Bill noted,

And then the laws that – the bills that are getting – get implemented and spoken about at the state government actually make it worse for good tenants because what happens with all this when you get down to it is the landlords are gonna need a certain amount of money to run their properties..... If they don’t get it from one tenant, they’re gonna have to get it from the other tenant.

A few also expressed concerns that the added costs of tenant protections such as CT-RTC will be particularly burdensome for small property owners, potentially exacerbating the shift to large, corporate, or out-of-state rental property owners. For example, Darren, a landlord from New Haven, explained, “I don’t think making it hard on the landlords helps tenants. It makes it more expensive for tenants in the long run. And it’s gonna make it more likely that they have these corporate landlords”. Although these housing market concerns were prevalent in our conversations with rental property owners, it is difficult to disentangle the effects of CT-RTC from larger market forces. Nonetheless, it will be important to monitor this closely to assess if Right to Counsel does indeed affect who owns rental property in Connecticut, and if so, why.

#### *Alternatives To The Legal Eviction Process: The Costs of Adding More Lawyers to the Process*

Rental property owners expressed a desire for alternatives to the eviction process, such as mediation. They raised concerns that CT-RTC would only increase reliance on courts (compared to use of informal negotiations) and would make the landlord-tenant relationships more adversarial (“us versus them”). Though landlords varied in the number of evictions that they filed and how quickly they moved to initiate formal eviction proceedings against tenants, all those we spoke to described instances in which they had tried to avoid formal evictions by making arrangements directly with tenants. For example, though Bill filed many evictions, he also made informal agreements with tenants that he perceived as mutually beneficial. He described reducing a tenant’s rent due to a family loss that she experienced. He explained, “I said, ‘All right. Well, let me lower your rent to \$750 for three months, November, December, January, and we’ll readdress it then.’ Just I’m gonna lose money. I don’t wanna crush anyone. They just had a life experience that sucks and I’m gonna work with them.” Similarly, Jeff described working with tenants to create payment plans that both helped the tenant stay housed and helped him avoid a potentially costly eviction. He explained,

I don't want to take their last dollar. I want them to be able to catch up. Plus, it keeps the agreement in place longer. In other words, instead of being like a three-month agreement where they'd have to really struggle, it would be a six-month or an eight-month, so they've got a better chance of – you know, slower payments and it keeps them – in effect, I don't have to start a new eviction again.

Laura, a Hamden-based property owner, had never filed an eviction after 10 years of renting to over 100 tenants. With the help of a lawyer, she encouraged tenants who could not pay their rent to leave, in a few cases offering them cash to do so, a practice called “cash for keys.” She explained that the decision to avoid the legal eviction process is based on both morality and economics. As a former renter herself who once fell behind on rent and received a Notice to Quit, she expressed empathy for her tenants. She said, “I hate people losing their house. It's not only their house, right? It's their home.” She also noted that she wanted them to have a “clean slate” without an eviction record. On the financial side, settling with the tenant was a way to resolve the process faster. She explained, “It's also a good, you know, the best business decision based on a situation that financially, I'm already at loss. It's still a good business decision.” Laura described these negotiations as win-wins for her and her tenants, and worried that the CT-RTC will eliminate this option. She explained, “But once we have the legal [right] to counsel, I don't know what their reaction will be, actually. So, yeah, so I feel that's just like, in an ideal world, right. I hope my tenant is fully counseled on their rights. And I hope there's a mediator in between, which has the interest for both sides.”

Other property owners said they would like to see formalized mediation processes that could achieve the middle ground that Laura describes. As Bill explained, “The mediation process is the best thing and it needs to happen immediately. ... Go with a state mediator, with the paperwork and go, ‘Guys, before we get to any eviction on anyone's record and get two or three months behind in rent, which you're not gonna be able to pay back, let's sort this whole thing out.’”

A few questioned the involvement of lawyers in the eviction process, to begin with. Darren avoided using lawyers altogether, noting, “I ... don't feel like I should have to [use a lawyer]. They shouldn't need a lawyer, and I shouldn't need a lawyer. I mean, the mediator was actually very good.” Jenna, a lawyer who represents small landlords, explained that many of her clients would prefer to resolve evictions without a lawyer. She explained,

They have to have a lawyer to go to court. I see how, from a tenant's point of view and maybe even from a court system's point of view that it's better to have counsel on both sides. I don't know if that's changeable, but there are a lot of landlords – I mean all the ones I deal with are real people and they don't necessarily want to go to court with a lawyer. They're willing to sit down with a mediator and their tenant, and it might make the process go a little bit faster and smoother for everybody.

Jeff and other rental property owners also noted that lawyers added expenses for everyone and wondered whether these resources would be better spent on different types of support for tenants, such as rental assistance. He noted, “I thought the money should be used to train the mediators to be more active in negotiations and then use the remainder of funds to directly help tenants pay arrearages.” Similarly, Nick, a Hartford-based landlord, discussed the idea of using CT-RTC funding to create a rent bank for tenants. He said,

I think what a much better strategy would be... as opposed to getting a lawyer in the mix, why wouldn't

you take the money that you would pay that lawyer and give it to the tenant? And say, ‘Mr. Tenant, here’s your option. You can keep this money, and work it out, give it to the landlord, and work it out. And you can continue to stay at the property. Or you can move out of the property, and take this money, and go find another resident, another residence, that you find more acceptable.’ In other words, why would you give the money to the attorney when the person that needs the money is the tenant?

Some tenant advocates also noted the need to provide tenants with support and resources, including mediation, before an eviction process even starts. However, unlike the rental property owners we spoke to, tenant advocates, including lawyers, emphasized that they do not believe the current court mediation system is fair for tenants, given unequal access to legal counsel and the fact that tenants are often unaware of their rights. Across all our focus groups, tenants also discussed the need for resources to prevent eviction in the first place, including funds to help tenants pay their rent. However, they argued that this should be done alongside, not instead of, increased legal protections for tenants, particularly for the complex cases that CT-RTC lawyers typically assist with. Furthermore, some tenants we spoke to reported that their landlords would not accept emergency rental assistance funds or (as in Monique’s case) continued with the eviction process even when emergency funds had fully paid rental debt.

#### *Appreciation for Certain Circumstances that Warrant Legal Aid for Tenants*

While rental property owners and lawyers who represent them that we spoke with expressed many concerns about CT-RTC, most said that access to legal aid for tenants was warranted in some cases. They said that some property owners take advantage of tenants or fail to maintain their properties and that it was important to protect tenants in these circumstances. Peter, who is both a rental property owner and a lawyer who represents other landlords, tries to take on a few pro bono tenants each year when he sees a “clear case” in which tenants could benefit from representation. Property owners also discussed the importance of informing both tenants and landlords of their rights and the opportunity for the Right to Counsel Program to do this. Laura pointed out that not all property owners are well-versed in housing law. She spoke specifically of immigrant landlords, who often become property owners when they do not have access to other income opportunities. She noted that both landlords and tenants could benefit from more education regarding rights and responsibilities.

Rental property owners also noted that another way that lawyers could be helpful: they could sometimes make the court process go more smoothly by helping to find a middle ground between tenants and landlords, before going to trial. Though Clark described negative experiences with some tenant lawyers, he also expressed appreciation for those he described as “honorable counselors who say, ‘Okay, well let’s work something out.’” Jenna, a lawyer who represents landlords, asserted that having lawyers on both sides could save the court time by ensuring that cases were presented clearly and concisely. She explained that lawyers can focus on relevant legal details, in contrast to self-representing tenants who do not have the training and experience to do so. Jenna explained,

When we get to court, we all want it to go smoothly. That’s goal number one. They don’t want to be there multiple times. They want to have a fair hearing, all those things. Again, I haven’t heard them complaining about that, other than the one or two times where they’ve said there were really some defenses that didn’t seem to be in good faith. Beyond that, the program itself I’ve heard no complaints about.

Landlords are important stakeholders in CT-RTC, and engaging with them and their concerns is critical. While those that we spoke to in Connecticut were, for the most part, critical of CT-RTC, landlords have

supported Tenant Right to Counsel in other locations, particularly as one part of a larger set of interventions. For example, a group of six large rental property managers and property owners in Massachusetts recently gave testimony to the state legislature that supports statewide Tenant Right to Counsel. The testimony pointed to the fiscal benefits of eviction prevention (Frazier et al., 2021) and the success of a temporary legal help project created in Massachusetts during the pandemic. In 2022, the Real Estate Board of New York recommended that New York enact a statewide Tenant Right to Counsel program based on the success of New York City’s Tenant Right to Counsel initiative, which has enabled 85% of represented tenants to stay in their homes since 2013.

## **SECTION 4: GAPS, OPPORTUNITIES, AND CHALLENGES**

### **4.1 Accessibility and acceptability challenges**

Many eligible tenants are not using CT-RTC. In the first year that the CT-RTC program began, the Stout report estimates that there were 6,653 eviction filings in which tenants would have been eligible for support from CT-RTC, but only 1,567 cases in which tenants got advice or representation through the program. One reason for this may be the high default rate (approximately 31%) for eviction cases in Connecticut (CT Data Collaborative, 2023), where the tenant does not appear, and the eviction judgment is finalized in their absence. Often tenants do not come to court because they don’t understand the process or want to avoid contact with the court system. Our interviews with tenants and other stakeholders also identify several other potential reasons for this gap, including staffing shortages in legal aid organizations in the face of high eviction filing rates, and lack of awareness about, confusion around eligibility for, and in some cases, distrust of CT-RTC.

#### *Lack of Awareness About CT-RTC*

Some tenants said that they had not turned to CT-RTC because they didn’t know about it. Some simply did not notice the flyer attached to their Notice to Quit. Receiving an eviction notice is stressful, and it often occurs amid other stressors or traumas. Such pressures can interfere with an individual’s ability to take in new information. Tara said she hadn’t noticed the CT-RTC flyer that accompanied the Notice to Quit. She said, “I remember seeing a paper, but I don’t think I really focused on it. You get those eviction papers, you’re, ‘Oh my gosh.’ You don’t pay attention to it. ... Based on an eviction, you’re nervous.” A White tenant from Windham named Jeremy had experienced significant tragedy prior to being evicted. He described his state of mind: “I don’t think I really paid much attention to it [the Notice to Quit], just seeing it and said, ‘Okay, well, time to go.’” Other tenants noted that the information about CT-RTC provided on the Notice to Quit was not easy to see. Tamika, a Black tenant from Hartford, explained,

it was stapled to my eviction notice, and it was like copied 30,000 times, like barely visible ... all crooked and like the person who copied it didn’t care. Like it needs to actually be like a part of... written in... the eviction notice... like your first name here, saying on the eviction notice, ‘You have a right to a lawyer’.

This lack of awareness may be because many of our interviews were conducted early in the implementation of the right to counsel program. For example, Joy, a Latine renter from New Haven, was two months behind on rent when we spoke with her; she had fallen behind when her landlord raised the rent beyond what she could afford. She was on the list for subsidized housing and was hoping it would come through before what she saw as an inevitable eviction. She had not heard of CT-RTC; we provided her with the contact information. Medina, a Black tenant from Hartford, was many months behind on rent, but she knew nothing about CT-RTC until she heard about the opportunity to take part in our inter-

view; after hearing about the program, she said she would contact them to see if they could help. She said, “I just recently found out about [CT-RTC] and I still don’t know too much. I know a little, but I’m learning more as I speak more to you guys about the program.”

Some said that even though they were working with social service agencies, they had not been told about CT-RTC. For example, Gloria, a Black tenant from New Haven, sought help from her church and from support groups at a local health clinic when she faced eviction from her voucher-subsidized apartment in New Haven. No one told her about CT-RTC, however. Similarly, Silvia said she did not receive information about CT-RTC when she was given notice to leave her home in Windham. When asked if her case manager connected her to legal services, Silvia said, “I did ask her, and, like, she really didn’t know what to tell me. Even at the clinic I was asking them – ‘cause I figure somebody, like, has to know something. And they were just like, ‘What about Legal Aid, Legal Aid, like, Legal Aid?’ You know? That’s basically, like, the extent of what I’ve been told.” She described a general sense of confusion around the eviction process, noting, “But, you know, you ask five different people, you’re gonna get five different answers. You know what I mean?”

A housing service provider in the Hartford focus group also described a general lack of awareness about CT-RTC, stating, “There’s a lot of resources in Connecticut. But if no one knows about it, the money is sitting there, but was anyone getting the money? No one I’ve worked for, state agencies for 17 years, I’ve never heard of this program. That’s why I’m here today, because I have a lot of clients and they’re worried about housing.”

### *Logistical and Staffing Barriers*

During the first months of implementation, CT-RTC had difficulty meeting the high volume of eviction filings in eligible ZIP codes. When it launched on January 31, 2022, the program employed only about 20 full-time-equivalent lawyers. This was scaled up to approximately 40 by November 2022, but many were newly qualified lawyers who required additional training, and they could not initially carry the same caseloads as seasoned attorneys. Despite new hires, the CT-RTC attorneys say they have been overwhelmed by the number of cases. For example, a Provider named Kate said, “Right now, if the local program doesn’t have capacity, they shut down intake for periods of time till they can clear some off and bring new ones on. I think that’s what the challenge with legal services has always been is the need is higher than our capacity to meet it.” Statewide, CT-RTC has funding for approximately 40 full-time-equivalent attorneys each year. As implementation continues, it will be important to continually assess whether funding and staffing are sufficient to meet the needs of eligible renters who seek assistance. It will also be important to consider the need to supplement Right to Counsel with policies and programs that can prevent eviction filings, as described below.

Some tenants noted that staffing constraints shaped their access to CT-RTC, particularly early in the year when legal aid organizations were still staffing up. For example, a participant in our Windham focus group explained, “When I called them, they said they’re not taking any clients because of the high call volume.” However, it’s important to note that this focus group took place early in our data collection, and these capacity issues may have been resolved later in the year.

Though many tenants said that they were connected with a lawyer quickly and efficiently, a few experienced discouraging delays. For example, Kirk, a White tenant from Windham, was not able to connect with CT-RTC after calling “4 or 5 times,” he said. “I think one of the times I was able to leave a voice-mail, if I remember correctly, and nobody called me back.” Kirk did not obtain legal assistance. He went

to court unrepresented, was evicted, and is now living in a tent. Kirk was frustrated that CT-RTC exists, but he was not able to access it. He describes it as “dangling a carrot” in front of him. Though Kirk might have been able to get help from CT-RTC had he kept calling, the stress that he was experiencing likely discouraged him from doing so.

### *Language Access*

An important focus of CT-RTC implementation was ensuring access to Spanish-speaking tenants. Close to 12% of Connecticut’s Population speaks Spanish, and just under half of Spanish speakers speak English “less than very well.” (American Community Survey, 2023). Legal Providers of CT-RTC are deeply aware of the need to provide services in Spanish. The program’s website and flyers are provided in both English and Spanish, Providers use interpretation services if needed, several Spanish-speaking attorneys and support staff work at CT-RTC sites, and the Providers are currently advocating for improved interpretation support through the court process. Stout data indicate the importance of ensuring that CT-RTC is accessible to Spanish speakers; in the first year of the program, 12% of clients indicated that they spoke English less than proficiently, and 11% of all CT-RTC clients indicated that Spanish was their primary language (Stout, 2022).

Tenants, service providers, and other people we interviewed spoke to the importance of addressing language barriers to CT-RTC. Tammy, an activist who works with Spanish-speaking undocumented Connecticut residents, discussed the importance of ensuring that Right to Counsel services are provided by Spanish-speaking lawyers so that tenants can seek support without having to rely on an interpreter. She explained, “...we need language justice on everything, and we need forms, 311 [the phone line for complaints, neighborhood concerns, city services] in Spanish for our community to have access, to do it by themselves, to feel the power. Because it’s different when somebody comes and helps you to do it than when you do.”

Dunia, a Spanish-speaking tenant from Bridgeport, also explained that the issue of language justice extends beyond translation. Information about CT-RTC needs to be accessible, jargon-free, and available to those who have limited literacy, she explained,

Not all of us are studied, not all of us have – You can understand yourself with a lawyer in the same language, in the same Spanish, be it English or Spanish, because you both have a level of education, and similar. Instead, perhaps because one is illiterate, they do not understand. It may be that many people like me can neither read nor write.”

As noted above, one important function of CT-RTC is to address some of the knowledge and education barriers that limit tenant power. However, it is also important to address these barriers in communicating information about Right to Counsel itself.

Immigrant communities and non-English speakers who are navigating not only language barriers, but also new and unfamiliar systems, may not only be less aware of CT-RTC but may also have particular needs when seeking legal assistance. For example, we spoke with a few Spanish-speaking tenants who said they had faced problems because of their inability to fully understand lease terms. As Daniella explained, their lease “has also been a problem because the contract that he gave us is in English. I think, I imagine that all contracts are like this in English, right? But the truth is yes. Well, the truth is that before I didn’t know to speak anything in English and I didn’t understand anything.” Spanish-speaking tenants also mentioned not having leases. Ivette, a Latine tenant from New Haven, did not have a lease. She said



that “there wasn’t a lease either, because I never—I didn’t sign him a paper because he never gave me a lease... He didn’t give me anything.” Ivette had reported her landlord to the local authority due to roaches and rats, and had taken him to court in the past, but had remained without a lease. She was eventually evicted in a separate case, despite using CT-RTC, in part because she had no lease.

### *Client Confidence in CT-RTC*

Our data suggest that some tenants choose not to contact CT-RTC due to a lack of trust in the system. Some tenants were aware of the program and eligible to participate but chose not to engage because they did not believe it would help them, or even believed that engaging a lawyer could make things worse. For example, Samantha, introduced earlier, was aware of CT-RTC when she received a Notice to Quit from her landlord of 11 years. She had fallen behind on rent due to pandemic-related income declines, rent increases, and the end of pandemic-related rental assistance. Despite knowing about CT-RTC, she did not reach out to a lawyer because she felt that this would exacerbate existing tensions with her landlord and cause him to look for reasons to evict her. She was extremely fearful of losing her housing and ending up homeless with her two sons. She explained, “Yeah. I can lose my place. I can lose my place. So, I’m trying to just stay – how do you – how do refer – like under the radar.” As noted above (section 1.1), there were serious problems with her apartment, but she did not bring these up in court to avoid creating additional tensions. She explained that rather than engaging with a lawyer, she preferred to go to mediation. She explained, “– in my position, like I don’t have anywhere to go. You know what I mean? So I just don’t want to cross – cross with them, like have a situation where they’re gonna be bothering me and – so I was just like, ‘Whatever. I’m gonna just go to court and I’m gonna go to the mediation, and I’m just gonna take whatever, you know.’” While in most cases, tenants’ desire to retain housing and avoid homelessness led them to seek legal services, in Samantha’s case, the high stakes made her fearful of legal interventions.

Some tenants expressed a lack of confidence in the “free lawyers” provided by CT-RTC. A Windham area focus group participant suggested that the State was on the side of landlords and state-funded lawyers would be too. She explained that “lawyers regardless are gonna work for the State, they’re gonna find a way where the tenant ends up losing the case.” A few focus group participants (in Windham and Hartford) compared CT-RTC lawyers to public defenders, whom they perceived as not always looking out for the client’s best interests and as too willing to pressure clients into plea deals. As a Hartford focus group participant explained,

[M]ost of the people, they don’t want it. They don’t want to try like a free attorney because they think the attorney it’s just gonna say just give up, or they don’t have that support of that attorney because most of them, because it’s a free attorney they don’t want it...a separate case like a criminal case they just go like, okay, so plead guilty. And we can see we can give you less years of probation. That’s the way they always work.

## **4.2 CT-RTC is one critical piece of a larger puzzle**

Our interviews highlight the limitations of CT-RTC in addressing housing insecurity. One underlying challenge that CT-RTC does not address is the lack of affordable housing. Growing and significant gaps between wages and housing costs mean that even with legal assistance, many tenants cannot afford to remain in their homes or are unable to find new housing if they experience eviction. Additionally, even when CT-RTC does help tenants avoid eviction, landlords may file subsequent evictions and, under current law, are allowed to do so without cause at the end of a tenant’s lease. Finally, while CT-RTC helps people at the point that they receive a Notice to Quit, more support is needed to help people avoid

getting to that crisis moment. Additionally, people with behavioral health challenges often have unique needs that may require additional eviction prevention resources.

### *People Cannot Afford to Pay Their Rent*

Some tenants we spoke with were not able to avoid an eviction, despite access to CT-RTC, because they could not afford their current rent or did not have funds to repay rental arrears that had accumulated. Tamika, a tenant activist who helped to organize people to support CT-RTC legislation, expressed frustration about its limitations, noting that Right to Counsel doesn't address the fundamental problem that people can't afford to pay their rent. Tamika also pointed out the disproportionate impact of rising rents on people of color. She said, "The representation doesn't fix the systemic issue of poverty or, you know, racial discrimination that [affects] these folks who are being evicted." Tenants are doing their best to earn enough income to afford rising rents, but it is not easy. Medina, introduced earlier, explained, "I've been proactive with trying to find work and try to DoorDash in the meantime. ... I've just been pretty proactive with trying to either see what I could do to come up with the rest." Sonia from New Haven, who was introduced earlier, struggled to find a job that would pay enough to cover expenses and allow her to stay close to her children. "It's hard to find work locally... and that's where I'm trying to just stay in New Haven, 'cause like I said, it's nerve-wracking having teenage boys. So I don't want to be working in Glastonbury somewhere, and something happens, and I have to rush from all the way. That's an hour drive. No. And gas prices? Forget it."

Tenants also explained how it is more difficult to afford rent given the fluctuations in incomes that have become so common. Sonia told us, "I might work this week, but then next week, won't have no work... temp agencies here, nursing agencies there, this one, that one, per diem work, no work, and it's just been rough." Paige, a home health aide, explained how difficult it is to plan ahead with an unreliable income, "You have a job where it's a per diem. I've had clients that die within a week when I start them. So, you have to think. Keep yourself at the low pace that you can always try to bounce back, because yeah, I'm paycheck to paycheck."

Fluctuating incomes also create challenges for people who have housing subsidies. Christine explained how her housing subsidy fluctuated as her income did, often leaving her unable to pay her rent,

The parts of my portion of the rent [not covered by Section-8] varied because I was per diem at my job. I wasn't full-time, I wasn't part-time. I was just per diem. When you do home care it's—you get your hours by what case they have available, and it was terrible. They took whatever pay—you know, my pay and determine the part of my rents, and it was just too much.

People with disabilities face severe income limitations that can affect their ability to pay the rent. Kirk, introduced earlier, explained that he had no income as he was applying for disability benefits.

I've been trying for like, over a month to get a hold of [his case worker] so I can get my Social Security disability paperwork in, you know? My application, anyway. So at least I can start getting something, SAGA [State Administered General Assistance] through the state. Temporary. But she just, she's been dropping the ball, not calling me or anything. I even went into the office and filled out the paperwork...I get food stamps. That's it.

People receiving disability benefits often receive too little to afford rent. Andrew explained that his disability benefits together with income he receives for helping care for his grandchildren simply aren't

enough to pay rent. “My granddaughter gets her SSI and I get cash assistance from the state for my grandson. \$392 and \$560 for my grandson. That’s not even enough to put a security deposit down...I can’t pay no more than [\$1,000]. That’s why I’ve been trying to get on this waiting list for programs.”

A participant in the Windham focus group summed it up: if you can’t afford the rent, then all the legal assistance in the world isn’t going to help. She said,

The bottom line is that money is going to be a factor. If you get a lawyer, whether it’s for free or not for free, at the end of the day, there’s going to have to be some kind of monetary ... if you don’t have money saved, if you don’t have money, you know, through another agency or something like that, then the lawyers not going to be able do anything for you, except pay it for you and it’s not gonna come out of their pocket.

### *Rents Are Rising Faster Than In The Past.*

Our interviews show that the relatively rapid increase in rents is contributing to eviction rates and difficulty finding a new place to live. For example, some tenants told us that their landlords were evicting them to be able to replace them with higher-paying tenants. Paige explained,

Every year we normally have a little rise in the rent, which is like let’s say the most \$100. So, if I was at \$1700, the other guy next door, we talk. He’s doing \$1800, and I know they just raised him maybe to \$1900 or whatever it is now there because they advertise ... \$2055 for their normal two-bedrooms. Come on. So, they know they can’t tack on over \$300-\$400, which would look so bad if you do that to me, so they want you out, so they could do whatever. So, you see where the unfairness comes in.

Many of those who were unable to avoid eviction but got more time to move with the help of CT-RTC faced a daunting battle to find an affordable place when their time ran out. When Paige received the Notice to Quit and began to look for another place (before the eviction was prevented with help from CT-RTC), she could not find anywhere she could afford. “It’s over \$2,900. So, they know you can’t afford that, and I would not step into that.”

Kate, a lawyer who has been defending tenants in eviction cases for many years, told us that it is increasingly difficult for people to find anywhere that they can afford. As a housing lawyer in the past, she said,

What you were really doing was just like postponing the inevitable to give people long enough to relocate ... prolonging the case, which usually gives a person enough time to find another place. But what I’m finding now, at least in the cases that I have where my tenants... want to leave and have wanted to leave since the beginning of the case...it’s been a real effort because they haven’t been able to find a new place. ... Ordinarily all of the tenants that I’ve had would have found other housing by now and the case would be over...

Jenna, a landlord lawyer, echoed these sentiments. She has recently started to represent some tenants in addition to landlords. She explained that she never represented tenants in the past, because people would just move when there was a problem or they were evicted, but now they can’t move because there is nowhere to go. This makes everyone feel squeezed – and causes increased animosity between landlords and tenants. She said, “Five years ago, if someone wasn’t happy and they were a good tenant, they could just leave. They wouldn’t even call me. They could just find another place, but because the market is so tight ... I’m sure there are studies on this and everything.”

Even people who have housing subsidies are often unable to find an affordable place to move to. Tara, whose eviction case was dismissed due to RAP's not paying its share of her rent, decided that she would like to move elsewhere, after all that happened with her new landlord. When we spoke with her, she was working with an organization that will pay her deposit if she finds a place in a better neighborhood. But she can't find a place with a rent that fits within the limits that her RAP voucher will cover.

### *Eviction Prevention May Only Be Temporary*

Some people told us that although they had been able to get their eviction case dismissed with the lawyer's help, their reprieve was temporary. For example, Monique from Windham was able, with the help of CT-RTC, to get her eviction case dismissed, but once her lease was up, her landlord did not renew it. The landlord told her that he did not want her living in the property after having brought legal action against them. She told us,

The case was dismissed, but they just wouldn't allow me to renew, ...They said that because there had to be legal action they didn't want to renew. I was just like, 'Really? You can't give me a break? I'm a single mom and I'm really trying.' This was my first year of being on my own, without having my parents. Ugh, thinking about it gets me upset, so sorry.

Alena faced a similar situation. She had been able to get the eviction case dismissed, but she felt quite sure that her landlord was preparing to try again, as she did not have a lease. "It's really great that New Haven Legal Aid helped me, because on my own I'd have already been out of here most likely or I – but still, she can still turn around and do like the same thing in July." Andrew, a White tenant from New Haven, had help from CT-RTC that prevented an eviction a few months before we met with him. His arrangement included accessing funds from UniteCT to pay off his arrears, but he was now facing eviction for the second time. He said that the lawyer had told him he would not be able to get assistance from CT-RTC this second time. "He fought for me [but when I got the second notice] he told me he couldn't help me because he already helped me once." We are not aware of why Andrew was not able to get further services from CT-RTC, as its lawyers are permitted to and routinely do take on repeat cases from a tenant.

### *Behavioral and Mental Health*

People coping with behavioral health challenges, including substance use disorders, face enormous barriers to finding housing, due both to their low incomes and lack of support for their behavioral challenges. A clinician who participated in the Windham focus group told us, "I'm a clinician at [redacted]. And most of my clients are struggling with homelessness, losing their apartments while in treatment and or in jail. And ... there's really not enough resources, there's not enough, like, additional help for clients who are homeless facing eviction while in treatment and getting better." Wilma, a rental property owner in New Haven, said she is doing her best to provide secure, stable housing to people with substance use disorders. She explained her frustration that many of her tenants were not able to get the support they needed. "They need help, and we don't have resources as landlords to send them. My thing is giving me resources, I'll do what I need to do to keep them in the home. It's right, because resources need to be available."

Another group that faces higher barriers than most are people who have been incarcerated, particularly if they also have behavioral challenges. One person in the Windham focus group explained,

When I was in jail, they took my apartment. And my dad just went there to get my belongings, like some

of the things that he could get. When I got out of jail, and into a program, I couldn't really leave to go to the court and fight for it myself, or just talk to anybody in person. So, I was calling the court and they said that there's nothing I could do, that they already went through the process of eviction.

#### *A Need for Preventative Work to Address the Significant Increase in Eviction Filings*

Tenants, lawyers, rental property owners, and other stakeholders all pointed to the need to enact policies to reduce the number of people entering the eviction process. As noted above, CT-RTC does not have the capacity to serve every tenant presented with an eviction filing. While it will be necessary to increase the number of CT-RTC lawyers, it is important to take steps to ensure that as many tenants as possible are able to avoid reaching the point where they receive a Notice to Quit. Currently, CT-RTC only provides support once a Notice to Quit has been served, by which time both landlords and tenants have already accrued many costs.

Kate, a tenant lawyer, said, "It would be ideal to move the intervention much more upstream so that it's truly preventive, because I do think if people had more information about their rights..." She said that events during the months leading up to an eviction filing can create such bad feelings between landlords and tenants that, even if the case is resolved, the tenant cannot realistically remain in their home. "Oftentimes by the time it gets to an eviction, whether it's for non-payment of rent or something else, usually the landlord-tenant relationship has just disintegrated so much that people don't necessarily have a desire to continue to work together." These sentiments were echoed by some landlords, as described in section 3.

Tenants also noted that once an eviction is filed, they have already experienced significant stress affecting their health and well-being. One New Haven focus group participant noted that having a lawyer through CT-RTC "is also not going to stop your feelings about what happens. Your depression, you're scared, you're nervous, you're not going to be able to take care of your family because you're worried about this, and then if it doesn't go in your favor, how much time for all that work."

Tenants had suggestions for upstream prevention tools, including more rental assistance. Although Uni-  
teCT was temporarily discontinued in March 2022, additional rental assistance has been made available, as noted above, with the new Eviction Prevention Fund of \$12.5 million created in January 2023 (State of Connecticut, 2023). Money is also available to individuals on the verge of being evicted because they owe past rent. However, as noted by members of our advisory board, restricting use of these funds to individuals who are facing immediate eviction neglects upstream prevention. It also creates perverse incentives for landlords to file an eviction faster.

Tenants also said they needed better access to information about their legal rights, and legal support in addressing poor housing conditions. A New Haven focus group participant asked, "Is there some sort of booklet with tenant laws and etc.? Because in my opinion, anytime you rent an apartment, I feel like that the landlord should give you a booklet with the laws, your rights, etc." Such a booklet does exist, but there is currently no requirement that tenants be provided with that information.

### **4.3 What is at stake: the consequences of eviction**

As documented by a large and growing literature, eviction filings and actual eviction can have significant consequences for individual tenants, their families, and their communities. Evictions cause stress and trauma for tenants and can alter the trajectory of tenants' and their children's lives in significant ways (Desmond, 2016). For example, research shows that evictions lead to lost income, employment, and ed-

educational opportunities (Collinson et al., 2022). As sociologist Matthew Desmond (2016) argues, “Eviction is a cause, not just a condition, of poverty.” Eviction filings can also create barriers to finding subsequent housing and are a well-documented cause of homelessness (Collinson et al., 2022; Desmond, 2012; Desmond & Shollenberger, 2015). Many landlords will not rent to tenants with previous or recent eviction filings; the record is sometimes referred to as a “scarlet E.” Eviction filings also have significant implications for health and well-being (Himmelstein & Desmond, 2021). Eviction filings have been linked to numerous adverse health effects, including poor mental health (Kim 2022), poor self-rated health (Hatch 2021), poor child health (Desmond & Kimbro, 2015), delays in children’s cognitive development (Schwartz 2021), low birthweight and preterm birth (Himmelstein & Desmond, 2021), behaviors that increase HIV risk (Groves et al., 2021), sexually transmitted infections (Niccolai et al., 2019), overdose-related deaths (Bradford & Bradford, 2020), higher rates of all-cause mortality (Rao et al 2022), and other adverse outcomes (Himmelstein and Desmond). Additionally, emerging research illustrates how the harmful impacts of the eviction process are not limited to evicted tenants themselves (Keene et al., 2022). The impacts can ripple through networks and communities. For example, evictions disrupt social support networks or strain social resources. Teachers, for example, have described how evictions and housing instability disrupt student learning, and thus burden classrooms and schools (Jacobson, 2020). The recent Covid-19 pandemic provides a clear illustration of the broader harms that evictions and housing instability can impose. Multiple rigorous research studies found evidence that policies to prevent eviction were associated with reduced spread of the virus (Leifheit et al., 2021; Sandoval-Olascoaga et al., 2021). Reducing evictions may also save money for state and local governments. Stout estimates that Connecticut likely realized economic benefits of approximately \$6 million in the first year of CT-RTC; similar savings have been found in other places with Tenant Right to Counsel. These included reduced costs associated with housing safety net provisions such as shelter access, reduced Medicaid spending, the economic value of preventing out-migration, and reductions in foster care spending (Stout, 2022).

Our interviews with tenants who had experienced eviction without access to CT-RTC highlight some of these adverse impacts. Though access to counsel likely would not have prevented an eviction judgment in all the cases described below, the examples highlight the high stakes for tenants and the potential benefits of eviction prevention.

### *Eviction, Housing Insecurity, and Homelessness*

The Stout report found that 44% of CT-RTC clients did not know where they could go if forced to move (Stout, 2022). Our interviews provide further evidence of this. We spoke with several tenants who had experienced or were currently experiencing homelessness following an eviction. Others we spoke to who were currently housed indicated that they would have nowhere to go if evicted. They described many barriers to finding subsequent housing including lack of available options in the tight rental market, the barriers posed by an eviction filing record, or barriers related to criminal records or poor credit.

Kerry provides a clear example of the challenges tenants faced with finding replacement housing. Kerry did not live in a CT-RTC eligible ZIP code and was facing an imminent eviction from the home that she had lived in for 14 years. She described spending thousands of dollars in application fees for new places, with no success. She brought to the interview a spiral notebook filled with the addresses of the places that had turned her down, noting that she had two more notebooks like it at home. She described being turned away from these many apartments due to rents that vastly exceeded her disability income, requests for security deposits that she did not have, and her lack of credit (landlords were asking for scores of at least 700). Kerry explained, “It’s not that I have bad credit, I have what they call slow credit. Because being on disability, I never used credit cards anyway; I couldn’t afford them.” Kerry, who suffers from

significant physical health disabilities and was coping with the recent loss of an adult child, planned to move into her car or find temporary housing in a hotel.

Other tenants echoed these challenges; some had experienced the homelessness Kerry feared. For example, Jeremy, introduced earlier, fell behind on his rent for the apartment he had lived in for 10 years after he lost both his wife and his son in a period of two years. In the wake of their deaths, he experienced mental health challenges, was hospitalized, and was unable to work. When Jeremy received the Notice to Quit, he described being too overwhelmed to respond to the eviction notice and simply moved out without seeking assistance. Without income, he couldn't find a place to rent. He explained, "Yeah, I got a storage unit. I took everything that was, you know, important. I threw everything else away. And I live in a tent in the woods now."

While many people mentioned high rents and limited availability of housing, some people faced unique barriers to finding replacement housing. Alena, introduced earlier, had a particularly critical need to avoid eviction and maintain her housing. She provided housing for her adult son, who had both health problems and a criminal record that prevented him from finding housing on his own. She explained, "I have a son who depends on me, even though he's like an adult. He's got some major like health and legal issues, and so I'm concerned about him, you know, maybe a little too much. But I mean I could find somewhere to live, you know, but my son can't find anything easily." She said that if she were evicted, her son would likely have to move to a halfway house, and she would no longer be able to care for him.

Some tenants spoke about the difficulty of finding a place to live when they had an eviction filing on their record, even when they had income to pay rent. One Hartford focus group participant explained, "I had a place lined up that I'm not worried about it. I got someplace to go; I'm working still, I can pay my rent. But they won't give it to me because I have an eviction on it." Tamika described the added burden of an eviction record, noting, "So I moved. I found a place. But it was like hell trying to even find a place with two evictions on my record, so I couldn't – like I had to – I had to have a cosigner or no one even – would even give me a chance." Importantly, a person will have an eviction filing on their record for at least a year once the case is filed, regardless of the outcome; a few tenants we spoke to said they had been surprised and confused on discovering that they had an eviction filing on their record despite never being forced to leave their home. As described in more detail above (Section 3), a few rental property owners we spoke to noted that though they might consider renting to someone with an eviction filing record, they would take extra caution in doing so.

Other tenants said that an eviction filing could prevent them from accessing housing subsidies that they desperately needed to afford rent. Carolina, introduced earlier, explained that because she had been evicted, she was unable to qualify for Section 8, so she had to find an unsubsidized apartment. She explained, "Yeah... since I can't get in no housing because of the eviction, I have to get an apartment with no Section 8." Chip, a Black tenant from New Haven, also described how an eviction could result in loss of a needed subsidy. He had paid his subsidized and affordable rent regularly with income from disability. But due to an administrative error (he had paid double rent for a few months, was then told he did not have to pay for the next few months, and then was told he owed back rent), he had rent arrears that he could not afford to repay. Chip was very concerned that he would be evicted and lose his subsidy. He explained, "I am one step, I guess, away from getting an eviction notice. And the thing about it, the program that I'm in ...by getting eviction notice that I'm kicked out of the program too. So, I won't be able to get any kind of subsidy..."

### *Eviction and Health*

We also heard from tenants how the eviction process and loss of housing can affect their health. For example, Kirk was living outside after experiencing an eviction that left him with nowhere else to go. He described increases in his blood pressure and use of alcohol to cope with the stress of homelessness. Kerry (introduced above) experienced severe exacerbations of chronic pain due to the stress of the eviction process. Her partner noted that “we haven’t slept in a week, we’re stressed so bad.” Indeed, many tenants described lost sleep, stress, and anxiety associated with the eviction process.

This stress and associated depression could exacerbate existing financial challenges, making it hard for people to work, and get back on their feet. Chip, introduced above, described how the threat of eviction caused depression and anxiety that then made it even harder for him to work towards preventing this eviction. He explained,

You know, I’m so damn depressed these days. I don’t, you know, I’m... You know, I just, I don’t know what to say do I just don’t, you know, it’s hard for me to get out bed even to take a shower at my house is a mess. I don’t know what do. You know, just right here to me, you know, it is just like one more thing that’s leading me down the road to being ruined. That’s what it seems like to me. You know, I am so damn depressed. I don’t know what to do. I really gotta get this straight and I know that once I get this thing straight, then I can handle it on my own. But right now, it’s just, I’m behind...right now.

### *Eviction and Children*

Approximately 48% of CT-RTC clients from January-November 2022 had children living in their household (Stout, 2022). Echoing a large literature on eviction and children (Cutts et al., 2022; Desmond et al., 2013; Lundberg & Donnelly, 2019; Schwartz et al., 2022), our interviews highlight how eviction and eviction threats can ripple through households and families with impacts on children’s well-being and mental health. For example, Medina, who lived with her three daughters, received a Notice to Quit after losing her job. With support from UniteCT, she was able to catch up on rent and prevent the eviction, but she described the toll of the threat of losing her housing for her and her children. She explained,

It’s definitely been a stressor on me. Of course, if Mommy’s stressed, your kids feel that. I try not to let them feel what we’re going through so much, but I guess a worry – sense of worry has been there, and just the depression had kicked in too. So, I’m glad that I’m in a better place because for a while, I was – oh, sorry – I was feeling a bit down in the dumps.

Similarly, Tara, who was ultimately able to avoid eviction with the help of CT-RTC, said the eviction process negatively affected her teenage daughter. She described her daughter,

Sad. Crying. Like I said, my daughter is 16. She’s not dumb. The first one [Notice to Quit] that I got, she found it. It made her sad thinking that we wasn’t gonna have nowhere to go. I don’t like that feeling or that burden that my kids will have to carry and see that. My daughter knows everything. She’s 16. She’s a teenager. So she sees what I go through. She hears my conversation. She knows things. Her finding this paper on my door broke my heart. She’s like, “Are we about to be put out?”

Dunia described how an eviction threat and harassment by her landlord affected her children’s health and wellbeing, noting,



My youngest son who used to feel free to go and play downstairs [in the yard] ... but now after all this [the eviction threat], he watches, he listens to what is happening, well he no longer wants to play. He is already afraid to go downstairs, and even more so when he witnessed the altercation we had with the lady [the landlord] ... He was there, and the lady arrived. Then he became nervous, crying, and I told him: 'You better go upstairs' Because he's a child.

A few tenants described how children could bear some of the financial burden imposed by an eviction threat. Sonia, who, like Tara, was able to avoid eviction with the help of CT-RTC, described how her teenage son tried to take on the burden of an eviction threat by working more hours. She explained,

Then I get the Notice to Quit, my son kept it from me 'cause he thought he could figure out a way to get this, to make this money, and he started working doing construction and stuff like that. He started bringing home a couple of hundred dollars every other day 'cause he was getting paid every day that he worked. And I'm, 'You don't have to do this, baby. Don't worry about that'.

Beyond the stress of eviction threats, tenants also described how losing housing affects their ability to parent, and thus their children's well-being. For example, Silvia, who left her apartment after receiving a Notice to Quit and had been living in a tent ever since, explained how being homeless meant that she could no longer look after her teenage son, who had moved in with a friend. She explained, "And for my son, I think him being separated from me is probably the most detrimental right now to him, you know? And, you know, he's like - he'll be like, 'Mom, don't stress. Like, I love you. Don't stress.' But, like, how can I not?"

Luke, who was able to avoid eviction with the help of CT-RTC, described how the eviction notice threatened his custody of his elementary-aged son - "God, please don't let me be on the streets with an 11-year-old son, you know? I - you know, I-I couldn't deal with that." He worried that an eviction and subsequent homelessness would result in his son's ending up in foster care. He discussed particular concerns about homelessness, given that there are no shelter options for single men and children.

Tenants also described the impact of forced moves on their children's education. Tania, a Black tenant from New Haven, recalled an eviction that happened years ago when her son was still young. They moved to a shelter, and she woke up early every morning so that he could walk to his old bus stop and not have to switch schools or endure the stigma of being picked up from a shelter. Luke also described concerns about his son's education, noting, "...and if we got evicted, you know, all - I mean, all that plays in - plays to the fact, you know, how is my son gonna get to school? How's he gonna - you know, where are they gonna drop him off, you know, when he gets out of school, you know?"

### *Summary*

As the examples above highlight, eviction can be extremely damaging for tenants and their families, with potential long-term consequences for housing, health, custody, and educational outcomes. Furthermore, given that evictions disproportionately impact Black and Brown people in Connecticut, and low-income communities, preventing evictions has the potential to advance health and economic equity. CT-RTC is not intended to prevent all eviction judgments or keep everyone in their homes. However, given how much is at stake for tenants facing the threat of eviction, it is critical to ensure that tenants' legal rights are protected in the eviction process.

## Recommendations

The experiences and narratives of tenants, rental property owners, legal aid providers, and other stakeholders suggest several recommendations for CT-RTC.

**First**, CT-RTC should be made permanent. Access to legal counsel in eviction cases supports tenant well-being and housing stability. As the examples above highlight, eviction can result in significant long-term negative consequences for housing, health, and educational outcomes. Preventing eviction not only supports well-being, it can also be cost-effective. Indeed, Stout's cost-effectiveness analyses conducted in other areas that have Tenant Right to Counsel indicate large savings that can offset the costs of additional lawyers. For example, Stout estimates that Connecticut likely realized economic benefits of approximately \$6 million in the first year of CT-RTC. This included reduced costs associated with the housing safety net, reduced Medicaid spending, reductions in foster care spending, and preventing outmigration which affects education funding for Connecticut schools and the local economy (Stout, 2022).

**Second**, CT-RTC should ideally be expanded to all tenants residing in the state, prioritizing areas with higher eviction rates if funding is insufficient to cover the entire state. Building on findings of the Stout report, our data highlight the complexity of many eviction cases, and the importance of legal advice and representation in resolving these complexities in accordance with the law. Our data included many examples of participants who likely would have benefited from CT-RTC, but lacked access, in some cases due to ZIP code-based ineligibility. However, we acknowledge the challenges of hiring and retaining legal aid staff in the current labor market.

**Third**, further steps should be taken to improve awareness, accessibility, and acceptability of CT-RTC. We spoke to several people who were unaware of CT-RTC as well as some who knew about it but chose not to engage with it due to issues of trust. We collected our data in the first year of CT-RTC, as the policy was just rolling out, and we recognize that some of these awareness and acceptability barriers may be resolved on their own over time. It is nonetheless important to continue appropriate outreach. Our data, including discussions among CAB members, suggest that beyond outreach and education, increasing engagement with Right to Counsel in Connecticut may require deliberate and concerted efforts to repair mistrust created through past adverse experiences with government policies and programs. This may include outreach and engagement of trusted messengers. Members of our CAB said that while tenant organizations played an important role in advocacy around CT-RTC legislation, they were not involved in its implementation. More involvement of these stakeholders in the future may address some of the awareness, access, and acceptability barriers described in our report. Creating a Community Advisory Council for CT-RTC in the future, as recommended in the Stout report, will help to ensure that the services reach all who need them. Furthermore, this outreach may be particularly important in Black and Hispanic/Latine communities where racist systems of mass criminalization and incarceration may have shaped perceptions of legal aid services. Relatedly, considerable efforts have already been made to ensure that CT-RTC materials, resources, and services are available to Spanish speakers; it is important to continue to engage with appropriate trusted messengers to ensure that outreach is effective.

**Fourth**, those responsible for implementing CT-RTC should engage with landlords, to help alleviate and address their concerns associated with Right to Counsel. Rental property owners we spoke to expressed concerns that increased access to legal services for tenants would adversely impact their incomes and would ultimately require them to enact compensatory practices that could harm tenants (e.g., raising

rents and employing stringent screening criteria). However, our data also suggest that CT-RTC may not have a significant impact on landlords who are already maintaining their properties and operating within the bounds of the law. Additionally, our data suggest ways that CT-RTC can result in outcomes with no significant cost to landlords, for example, by negotiating move-outs when a tenant cannot afford to stay in their home. Furthermore, our data from locations where CT-RTC has been in place for longer, suggest that landlords appreciate that it is important that tenants do have representation in certain circumstances (Stout, 2022). Given the above, ongoing engagement and discussion with landlords may help to reduce misinformation, and to alleviate some of their concerns. Even where disagreements persist, strong lines of communication may create an environment where CT-RTC is more effective for everyone. It may be helpful to arrange non-confrontational meetings at which landlords talk with people who have been evicted to help them understand, on a personal level, the causes and consequences of eviction.

**Fifth**, data from rental property owners, tenants, and tenant advocates all support the need for eviction-prevention strategies. By the time an eviction is filed, significant damage has already been done in terms of stress and ongoing impacts on housing stability. One option is to build a mediation option into the process (written into the lease agreement) before the case is taken up by the court. Currently, housing courts and small claims courts are the only types of cases that have same-day trials; other types of cases have pre-trial days. An attempt to resolve complex, substantive legal issues prior to going to court could benefit both tenants and landlords. Indeed, both tenant advocates and property owners have expressed support for such interventions. Additionally, both tenants and property owners spoke of the need for rental assistance to help tenants avoid falling behind on rent or to help them catch up when they do fall behind. Ideally, people should receive the assistance they need before reaching a crisis point. In this regard, a 2023 program in Connecticut to administer rental assistance through the courts – after an eviction is already filed – is problematic. Eviction prevention initiatives must also address the root causes of eviction, including the need for living wages and affordable housing. The large and growing gaps between wages and housing costs mean that tenants are often one small, unexpected expense away from falling behind on their rent, or are in a stressful, perpetual state of deficit while juggling their basic expenses.

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## Appendix One

### **Community Advisory Board (CAB) Members:**

Merryl Eaton - Christian Community Action (paid partner)/Mothers and Others for Justice

Kimberly Hart – Mothers and Others for Justice/Witnesses to Hunger

Tarsha Calloway – Mothers and Others for Justice

Dahlia Romanow – Connecticut Fair Housing Center

Victoria Nimirowski – Windham Area Interfaith Ministry

Merle Potchinsky - Windham Area Interfaith Ministry

Amy Eppler-Epstein – New Haven Legal Assistance

Brendan Murphy – Connecticut Veterans Legal Assistance

Tenaya Taylor – Non-profit Accountability Group

Teresa Quintana – Make the Road

John Thomas – Community Solutions

Heidi Lubetkin – Community Renewal Team (paid partner)

### **Recruitment Partners:**

Recruitment partners included all the CAB members, in addition to:

Perceptions (Paid partner)

Connecticut Democratic Socialists of America

Connecticut Tenants Union

Hartford Deportation Defense

Center for Leadership and Justice

Havenly

South Park

Blue Hills Civic Association

Center for Latino Progress

## Appendix Two

### Tenant Demographic characteristics for participants who appear in this report

Participant in the Report	Race/Ethnicity	Gender	Age Category (< 30, 30-50, > 50)	City	Used CT-RTC
Rebecca	Other	Female	30-50	New Haven	Yes
Monique	Black or African American	Female	<30	Willimantic	Yes
Dominic	Black or African American	Male	>50	Bristol	Yes
Tara	Black or African American	Female	30-50	Hartford	Yes
Sandra	White	Female	30-50	Manchester	Yes
Paige	Black or African American	Female	>50	Milford	Yes
Dunia	Hispanic or Latine	Female	30-50	Bridgeport	No
Sammy	Black or African American	Male	>50	New Haven	No
Silvia	White	Female	30-50	Windham	No
Jeremy	White	Male	30-50	Windham	No
Andrew	White	Male	>50	New Haven	Yes
Carolina	White	Female	>50	Hartford	No
Daniella	Hispanic or Latine	Female	30-50	New Haven	No
Kirk	White	Male	30-50	Windham	No
Kerry	White	Female	>50	East Haven	No
Gloria	Black or African American	Female	>50	New Haven	No
Medina	Black or African American	Female	30-50	Hartford	No
Tony	Black or African American	Male	30-50	New Haven	No
Sonia	Black or African American	Female	30-50	New Haven	Yes
Hassan	Other	Male	>50	New Haven	Yes
Joy	Hispanic or Latine	Female	>50	New Haven	No
Chip	Black or African American	Male	>50	New Haven	No
Samantha	Hispanic or Latine	Female	30-50	Willimantic	No
Alena	White	Female	>50	New Haven	Yes
Christine	Black or African American	Female	30-50	Hartford	Yes
Luke	Other	Male	>50	New Haven	Yes
Tania	Black or African American	Female	>50	New Haven	No
Tamika	Black or African American	Female	30-50	Hartford	No



