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Joint Meeting of the Committees on General, Housing and Military Affairs and Human Services
State of Vermont Housing of Representatives
115 State Street
Montpelier, VT 05633-5301

Re: Eviction Defense and Homelessness Prevention – Vermont Legal Aid Introduces *Eviction in Vermont: A Closer Look*

Chair Stevens, Chair Pugh, and Members of the Committees:

Thank you for offering me the opportunity to share Vermont Legal Aid's findings from our report, *Eviction in Vermont: A Closer Look*, at today's Homelessness Awareness Day hearing.

My name is Jessica Radbord and I am a staff attorney at Vermont Legal Aid. Over the past eight years, I have successfully represented hundreds of Vermonters at risk of losing their housing.

Eviction cases involve such a basic human need – shelter – that my clients often come to me in a state of complete and utter panic. They often do not know where to go for financial help, or how to effectively communicate with their landlords, or how they will avoid homelessness if they are not able to successfully defend the eviction case filed against them. They worry that if they lose their housing, all of their possessions and their children's possessions will be lost. They don't know how they will be able to work if they don't have a place to sleep. They worry their kids will have to change schools in addition to losing their homes, falling behind academically and losing their educational support network. The human costs of eviction and homelessness are immeasurable.

What can be measured is the cause of evictions in the State of Vermont and the cost to resolve at least some portion of them, but up until we published this report, that data had not been compiled in Vermont. After reading *Eviction*, a 2016 book by Matt Desmond, I looked to the author's nationwide database of eviction data that was compiled so states and advocates could use it to develop data-driven eviction prevention strategies. Unfortunately, the data for Vermont was inaccurate because state court filings in Vermont are not available online. The only way to get them is to actually go to the courthouse and review the case files one by one. Vermont Legal Aid got that data from two representative counties, Lamoille and Windsor, and our Eviction Report is the result. And with it, we are advocating for data-driven solutions.

There are around 1700 eviction cases filed in Vermont every year, and in 75% of those cases, the tenants lose their housing. But it isn't just the tenants that "lose" in an eviction case. Many of the evicted tenants go on to experience a period of homelessness, resulting in deteriorated

physical and mental health, poorer educational outcomes for children, and damaged credit. They become “less desirable” tenants. Landlords also lose through the eviction process. They have to invest time and money in the court process and legal fees, judgments for rental arrears often go unpaid due to the poverty of the defendant, and they may take a loss while the rental unit awaits its next tenant. The taxpayers of Vermont are covering the costs to the judiciary of hearing eviction cases, paying for emergency shelter, funding increased education costs when homeless students fall behind, and so forth.

Our data, as outlined in *Eviction in Vermont*, shows that most evictions are not tales of drama involving bad landlords or bad tenants. Instead, we see that 70% of eviction cases are based on a tenant’s inability to pay the rent. The median amount owed was \$2000. Most of the cases involve private landlords, many of whom are of limited means themselves. In 75% of the cases studied, the landlord had a lawyer and the tenant did not, and the paperwork filed into court by the tenants shows they do not understand the legal process. Time and again, from reviewing court files individually, we saw low income tenants begging for the opportunity to be granted time to catch up on rent and make things right with their landlords. Time and again, we saw low income tenants get evicted when they were unable to pay off their arrearages due to lack of community resources or knowledge thereof.

A story in our Report is but one example of what we saw in the court pleadings we reviewed for this Report. A tenant, unrepresented, filed a document with the court saying “I fell asleep during my ride home from work, totaling my car. (Due to lack of sleep from working a full time overnight job and being a full time mommy) Unfortunately I lost my job due to injuries that kept me from going to work... We always pay (late or not) and we will catch up!” The court file shows that this tenant paid rent during the pendency of her case, but was unable to fully catch up on the amount due, and she was evicted. We were unable to find this family to interview for our Report – did they end up homeless? At what cost to the State? How much of a loss did the landlord experience? Could this have been prevented?

In a recent Vermont Legal Aid case, a victim of domestic violence fell behind on rent after losing her job due to her injuries. With the help of a Vermont Legal Aid attorney through a Legal Services Vermont lawyer-for-the-day eviction defense clinic, the client was able to get the judgment against her reversed and negotiate a deal to pay off her back rent owed now that she has a new job. Without that help, that client likely would have ended up homeless. Instead, her landlord is being paid in full and she remains housed with her children.

The data we collected shows that most evictions are caused by poverty and create more poverty in their wake. To afford a modest, two bedroom apartment, a Vermont household must earn \$22.40 per hour (\$46,585 annually), but over 50% of Vermont’s workforce are in jobs that pay less than that. If one thing goes wrong or one extra expense comes up – a period of unemployment, a costly vehicle repair, buying supplies for a new baby, or even buying books for a kid starting college – a family is at risk of falling behind on rent and getting evicted. Too many Vermonters are one paycheck away from disaster. We need more affordable housing, more supportive services for the hardest-to-house, and more financial assistance needed to fill the affordability gap for low-income families. Our report focuses on the latter: families who need

financial assistance and short-term legal assistance and supports to prevent eviction and homelessness.

Vermont Legal Aid is proposing sensible and cost-effective solutions to reduce the number of evictions in Vermont. The report has several recommendations, including supporting the development of more affordable housing, but I'll focus on rental arrearages and legal solutions for my time here.

First, by increasing funding for rental arrearages and increasing the flexibility of financial assistance programs, our data shows that evictions could be significantly reduced. Based on our data, we estimate that \$800,000 dollars spent on rental arrearages would be likely to reduce the number of evictions by half. By sparing some families from homelessness, we hope that we might see a reduced need for emergency shelter in motels. When 84 days of emergency housing costs the General Assistance program over \$6000, on average, it's worth spending more on eviction prevention to avoid that high cost.

We are also advocating for legal strategies to reduce evictions as an upstream homelessness prevention tool, looking to increase the availability of lawyer-for-the-day programs through partnerships with the judiciary, the Vermont Bar Association, and social service agencies that can provide short-term case management and supports.

A spectrum of solutions is needed to fully address the eviction problem in Vermont. We recognize that some tenants will need much more than financial supports. But for many who have experienced a temporary financial setback, funding and a brief period of assistance from an attorney and community supports is often enough to prevent homelessness. *Eviction in Vermont: A Closer Look* addresses those types of cases, improving outcomes for struggling Vermont families, increasing financial security for landlords, and – we hope – reducing overall costs to the State.

We look forward to working with the Legislature this session to explore opportunities to reduce homelessness through cost-effective eviction prevention strategies.

Sincerely,



Jessica Radbord
Staff Attorney