



# **Eviction Free Milwaukee Annual Independent Evaluation September 1, 2021 to December 31, 2022**

Prepared for: United Way of Greater Milwaukee  
& Waukesha County

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# Section I-Introduction

In June 2021, the Milwaukee County Board of Supervisors passed a resolution in favor of a right to counsel for residents facing eviction or foreclosure. The resolution was signed by the Milwaukee County Executive in July 2021, and the program (i.e., Eviction Free Milwaukee or EFM) was launched in September 2021.<sup>1</sup> Funding for EFM is both public (via American Rescue Plan Act funds) and private (via United Way of Greater Milwaukee & Waukesha County – hereinafter United Way). The Legal Aid Society of Milwaukee spearheaded and is the primary provider of EFM representation, subcontracting with Legal Action of Wisconsin (Legal Action) in December 2021 to assist with EFM cases.<sup>2</sup> Representation provided by EFM attorneys is full representation - the level of service provided is intended to meet the needs of each individual client. EFM attorneys do not make decisions about the level of service provided based on triage criteria or resource constraints, but rather based on their understanding of the needs and goals of the client.

In May 2021, Stout was engaged by United Way as the 3-year independent evaluator of EFM. Over the past 18 months, Stout has developed more than 100 analyses (with thousands of variations through filters and selections) in its data visualization platform used by the Legal Aid Society of Milwaukee, United Way, and Stout to monitor key performance metrics, identify opportunities for refinement and further research, and evaluate the impact of EFM. The data visualization platform, in combination with qualitative feedback from rental property owners and their counsel, property managers, EFM attorneys, Community Advocates, the courts, and the feedback of various other stakeholders in Milwaukee has enabled an iterative evaluation – one that is completed in sync with implementation rather than after implementation. The iterative evaluation process has resulted in new and unique insights including, but not limited to: circumstances renter households are experiencing leading up to eviction, the goals clients have for their cases, the intersections of race and gender with eviction in Milwaukee, the prevalence and nature of sub-standard housing conditions (i.e., defective conditions) EFM clients experience, rental property owner experiences with EFM and delinquent tenants generally, and communication strategies to raise awareness about resources that can assist prior to or during the eviction process including, but not limited to, legal assistance and representation. While this iterative evaluation technique has provided a foundation for our evaluation over the past 18 months, it has also identified opportunities for continued improvement (as discussed in Section VI).

Stout’s evaluation methodology uses robust analysis of available data and information, while also appreciating the limitations of such data, the opportunities for continued improvement and analysis, and the challenges that can arise in the analysis of intricate, complicated, and

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<sup>1</sup> The resolution passed by the Board of Governors and signed by the County Executive does not have the weight of law behind it and is not yet an enforceable right to counsel for tenants facing eviction.

<sup>2</sup> Additional information about EFM can be found at <https://www.evictionfreemke.org/>.

intertwined micro- and macro-economic social and capitalist systems. The data collected by the courts and the legal providers is inherently limited and imperfect. These reasons vary: resource constraints to collect information; the pre-EFM systems used to collect data; the nuanced and complex lived experiences of Milwaukee County renter households with low incomes, the experiences and practices of rental property owners of various sizes, and ultimately the adversarial nature of the United States legal system (which includes eviction cases).

Further, Stout’s methodology is not a randomized control trial and does not use a designed control group to draw comparisons. EFM is designed to assist Milwaukee County renter households experiencing a high-stakes legal proceeding. It is essential that these services are provided through effective advocacy due to the circumstances faced by the parties, and the complexity and potential consequences of the proceedings. Thus, Stout uses the best available information and feedback from a wide range of stakeholders to provide analyses and assessments of EFM. This evaluation technique creates an iterative dialogue about the impact of EFM and opportunities for continued refinement of the data collected, analyses completed, and insights developed.

Recognizing the limitations and challenges associated with the evaluation of EFM (or any eviction right to counsel program), Stout’s evaluation methodology is built on techniques of critical thinking and discernment – techniques that recognize and analyze the nuances, specificity, and validity of data.

In combination, Stout’s focus on these techniques of understanding provides a reasonable methodology for the analysis of imperfect information involving complex social systems. The objective: meaningful findings designed to provide quantitative measurement and qualitative assessment for purposes of enabling dialogue regarding the impact and efficacy of EFM. The data collected by the courts, the Legal Aid Society of Milwaukee, and Legal Action combined with the qualitative feedback from rental property owners and tenants, synthesized by Stout in this evaluation, has expanded Stout’s knowledge related to evictions in Milwaukee County.

### *Context for Understanding Year 1 Evaluation Findings*

EFM is a foundational element of an ecosystem capable of ensuring justice in rental housing disputes resulting in eviction filings. Where tenants have no other housing options, experience sub-standard housing conditions, dispute amounts owed or terms of tenancy, or struggle to understand the legal or other processes (i.e., applying for public benefits or rental assistance), EFM can help tenants have access to a qualified lawyer. That lawyer can assert rights and defenses, navigate rental assistance, make legal arguments to the court and/or negotiate terms regarding continued tenancy, relocation, and repayment of any amounts owed. In the court system, access to a lawyer is beneficial to assertion of rights and responsibilities for both sides. This can be particularly true for tenants without the financial means to retain a lawyer, the digital access or literacy to use online tools, forms, and applications or participate in virtual

hearings, or the knowledge, experience, or expertise necessary to reasonably navigate the complexities of landlord-tenant law in Milwaukee County.

EFM is not the only intervention or resource for Milwaukee renters with low incomes and their rental property owners. Complementary to EFM, a response to the eviction crisis in Milwaukee County should consider other supports and interventions, including but not limited to: sustained rental assistance, pre-filing mediation, post-filing program response to ensure effective resolution based on case complexity, effective community outreach, and collaboration between Milwaukee stakeholders (e.g., rental property owners and their counsel, legal services providers, rental assistance providers, the courts, local government, community organizers and organizations, and other local stakeholders).

Stout's observations of EFM clients and their circumstances do not apply to all eviction filings or all rental property owners in Milwaukee County. EFM clients are Milwaukee County residents who seek representation due to substantive issues and disputes of fact surrounding their eviction cases, which may contribute to their seeking legal representation. There are rental property owners in Milwaukee who provide suitable rental housing to low-income households, maintain the property without substandard conditions, provide flexible payment options, assist with connecting tenants with rental assistance, and work to mediate rental disputes before filing for eviction. Many of these rental property owners consider an eviction filing a last resort when all other options have been exhausted. There are also tenants who experience a change in income or public benefits and can no longer afford their rent, do not harm the rental home, and communicate effectively with the rental property owner.

There are also many circumstances involving disputes between the rental property owner and tenant. These disputes can involve verbal lease agreements, substandard housing conditions, harassment, property damage, fines or fees, and other disputes between the rental property owner and tenant that transcend simple uncontested non-payment of rent. The complexities of landlord-tenant law (as well as rental assistance applications) can also create significant challenges for the tenant as they seek to assert their rights or simply navigate the eviction process. In cases without disputes of fact or substantive legal issues and where the only identified issue may be the non-payment of rent, lawyers can still provide key assistance including negotiating the time necessary to vacate or the terms of payment plans, keeping an eviction off the tenant's record, and navigating the application process for rental assistance and public benefits applications to resolve uncontested financial issues. Accordingly, an eviction right to counsel for tenants is critical.

In an adversarial justice system, complex cases require time to resolve. While there are certainly simple, uncontested non-payment of rent cases, EFM attorneys frequently represent clients with complex issues where their home is at risk. Resolving these cases takes time. That is, EFM cases will likely be open longer than cases where EFM is not involved and the tenant is not

represented. Additionally, rental property owners throughout the country have communicated to Stout their preference for working with an attorney rather than an unrepresented tenant to resolve complex eviction cases and cases where renters may not understand the eviction process or need assistance navigating other systems, including rental assistance. Rental property owners Stout interviewed focused on improving court processes and rental assistance administration and developing eviction prevention programs rather than the perceived delay associated with increased tenant representation.

In response to counsel representing more tenants in these disputes, and the time involved, certain rental property owners may respond by amending their business practices. Some rental property owners may request higher security deposit amounts, increase rents, or require additional compensation or tenancy terms to achieve business objectives. There are also many other internal and external factors that impact why rents may increase or why other changes may be implemented in the rental property owner community. This is particularly true as the COVID-19 pandemic recedes, inflation increases, court processes change, rental assistance programs change or dissolve, and other macro- and micro-economic factors occur that impact rental rates and tenancy terms for households with lower incomes. For example, rents have been increasing significantly across the country, in jurisdictions with and without an eviction right to counsel and other tenant protections.<sup>3</sup> Disaggregating those effects to determine the specific responses related to an individual policy is exceedingly difficult, particularly where one overwhelmingly provides legal representation in eviction cases where there are substantive contested issues plus the non-payment of rent.<sup>4</sup>

As with the implementation of any new policy, program, or initiative, there are opportunities for improvement and continual learning by all involved – legal services organizations, tenants, rental property owners and their lawyers and agents, and the courts. New models that change systems evolve from initial implementation. Newly hired staff, despite the training they receive, may require time to learn the means of effective resolution of cases based on circumstances their clients may face. The courts may be learning about the role and impact of expanded tenant representation, and its own role in ensuring effective resolution of those cases. Rental property owners and their attorneys and agents may not always appreciate attorneys representing tenants, particularly if there is no perceived benefit rental property owners / their attorneys in contrast to prior patterns of tenant defaults or quick judgments against unrepresented tenants. Opportunities for constructive feedback will ensure that EFM benefits the system in a fully informed way and that the parties continually improve their processes and training. Such feedback can assist in defining intake, diversion, and resolutions that achieve mutually

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<sup>3</sup> Ludden, Jennifer. “The housing market squeeze pushes renters into bidding wars.” NPR. June 2022.

<sup>4</sup> An overwhelming majority of EFM clients have cases where there are substantive legal issues and contested issues.

beneficial and improved outcomes. However, all parties need to be open to such feedback and committed to considering the changes that may be necessary based on the feedback.

Milwaukee County's eviction ecosystem is also impacted by external factors. From September 2021 to September 2022, the Consumer Price Index (CPI) increased approximately 8%.<sup>5</sup> The CPI measures changes in prices paid by consumers in the United States for goods and services.<sup>6</sup> Shelter, which includes rent, is the largest component of the CPI accounting for approximately 30% of the overall measure of inflation.<sup>7</sup> Throughout the country, tens of millions of renters have experienced significant increases in rent as demand for rental housing increases and vacancy rates decrease post-pandemic. Renters with low incomes can be disproportionately impacted by inflation, increased rent, and decreased rental availability. As pandemic aid ended and inflation increased in June 2021, eviction filings nationally have generally returned to pre-pandemic levels partly because of significant increases in rent.<sup>8</sup>

Despite these external challenges within the rental housing and labor markets, EFM attorneys have been able to assist clients in achieving their goals, as detailed throughout this independent evaluation report.

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<sup>5</sup> "Consumer Price Index – September 2022." Bureau of Labor Statistics, U.S. Department of Labor. October 2022.

<sup>6</sup> Ibid.

<sup>7</sup> "Measuring Price Change in the CPI: Rent and Rental Equivalence." Bureau of Labor Statistics, U.S. Department of Labor. March 2022.

<sup>8</sup> Fulford, Scott. "Office of Research blog: Housing inflation is hitting low-income renters." Consumer Financial Protection Bureau. July 2022.



## Section II-Executive Summary

## *Key Findings*

The first 18 months of EFM occurred amidst a variety of economic and labor market challenges including significant inflation, a tight rental housing market, ongoing impact from the COVID-19 pandemic, and increased demand for workers, including attorneys. EFM attorneys are demonstrating a commitment to assist EFM clients in achieving their goals and collecting data to demonstrate the impact of tenant representation. Qualitative feedback from rental property owners, their counsel, and property managers informed Stout’s evaluation and highlighted opportunities for rental property owners and EFM attorneys to collaborate on systemic issues and challenges affecting both parties.

### *EFM Attorneys Were Overwhelmingly Able to Help Clients Achieve Their Eviction Case Goals*

Since EFM began in September 2021, EFM attorneys have helped clients achieve their case goals. The table below shows the 5 most common EFM client case goals with the frequency of the goal being achieved, the number of clients with the goal, and the percentage of clients with that goal.<sup>9</sup>

Client Goal	Frequency Goal Was Achieved	# of EFM Clients with Goal <sup>10</sup>	% of EFM Clients with Goal <sup>11</sup>
Prevent eviction judgment <sup>12</sup>	76%	481	62%
Seal eviction record	72%	382	49%
Prevent involuntary move <sup>13</sup>	70%	362	47%
Secure rent assistance	47%	225	29%
Secure additional time to move	42%	153	20%

### *EFM Significantly Increased Access to Legal Representation for Tenants*

Prior to the launch of EFM in September 2021, the monthly legal representation rate (the percentage of cases for which a party has secured legal representation as indicated in the court

<sup>9</sup> Goals and goals achieved metrics only include EFM cases handled by Legal Aid Society of Milwaukee.

<sup>10</sup> Clients can have more than 1 goal for their case.

<sup>11</sup> Total will be greater than 100% because clients can have more than 1 goal for their case.

<sup>12</sup> The goal “prevent eviction judgment” indicates EFM attorneys were able to keep an eviction judgment off a tenant’s record.

<sup>13</sup> The goal “prevent involuntary move” is not synonymous with the client staying in their home. It is possible that EFM attorneys prevented an eviction judgment or involuntary move and the client was unable to remain in their home. In these instances, EFM attorneys’ representation can prevent an involuntary move by minimizing the disruption of moving on an expedited timeline, which occurs frequently when tenants are unrepresented. Stout is working with Legal Aid Society of Milwaukee and Legal Action throughout 2023 to assess how frequently clients are remaining in their home.

documents) for defendants (typically tenants) in eviction cases in Milwaukee was approximately 2% to 3%. From July 1, 2022 to November 30, 2022, the monthly defendant representation rate in Milwaukee was between 13.7% and 16.2%.

Stout used data provided by Legal Aid Society of Milwaukee, the number of eviction filings in each Milwaukee County zip code in 2022, and publicly available research/data to develop an estimate of the percentage of EFM-eligible tenants who were represented by EFM attorneys. This estimate provides insights as to the percentage of all EFM-eligible residents represented in 2022 in each zip code.<sup>14</sup> The overall estimated representation rate of likely EFM-eligible households across all Milwaukee County zip codes was 25% in 2022. That is, EFM attorneys are representing approximately 25% of EFM-eligible tenants in Milwaukee County (discussed in greater detail on pages 38-39).

### *Feedback from Rental Property Owners and Their Counsel/Agents Has Been Impactful in Informing the Implementation and Evaluation of EFM*

Feedback about EFM from the rental property owner community and their counsel in Milwaukee (consistent with Stout's engagement with rental property owners and their counsel around the country where Stout is conducting similar evaluations) centered on several key themes:

- Rental property owners and their counsel/agents<sup>15</sup> appreciate there are certain circumstances where a tenant could benefit from legal representation in eviction cases.
- Rental property owners may adopt more stringent and robust tenant screening requirements, not necessarily exclusively as a direct response to EFM but also significantly influenced by their experiences during the COVID-19 pandemic.
- Certain rental property owners may exit the rental property business, but not necessarily exclusively because of increased tenant representation.
- Tenants, rental property owners, and rental property managers in Milwaukee could benefit from educational information and/or materials.
- Sealing eviction records can be helpful for tenants though rental property owners want access to eviction records for tenant screening and risk assessment purposes – although rental property owners agreed that it would be reasonable for certain eviction records to be sealed.

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<sup>14</sup> The estimated representation rate is understated. The estimate does not include the number of tenants who are eligible for EFM but opt for private representation.

<sup>15</sup> Non-lawyer agent representation is permitted in Wisconsin for rental property owners.

- Rental property owners, their counsel/agents, Legal Aid Society of Milwaukee, and Legal Action agree there are changes to court processes and procedure that would benefit both rental property owners and tenants.

### ***EFM Clients Disproportionately Identify as Female and Black Compared to Milwaukee's Population***

Approximately 75% of EFM clients identified as female, and approximately 76% of EFM clients identified as Black. Furthermore, approximately 58% of EFM clients identified as female and Black. This compares to Milwaukee County's population which is 51% female and 28% Black. Furthermore, Milwaukee County eviction filings in 2022 were concentrated in census tracts with non-white majority populations. Approximately 63% of all eviction filings in Milwaukee County were in majority Black or African American census tracts; approximately 17% were in census tracts with majority White residents.

### ***EFM Clients Are Typically Experiencing Substantive Legal Issues Beyond Non-Payment of Rent***

Stout's evaluation found that while most eviction filings in Milwaukee County, (and throughout the country) are brought for non-payment of rent, there can be substantive legal issues, defenses or procedural deficiencies with how the case was brought. Tenants seeking legal representation through EFM often do so because they want an attorney to assist them with substantive legal issues with their case, potential defenses, or they are experiencing challenges within the household exacerbating the trauma of the eviction process. In jurisdictions where Stout has conducted evaluations of eviction right to counsel/eviction defense programs, attorneys representing tenants in eviction proceedings have communicated (and the data collected has shown) that tenants are often trying to navigate complex situations related to their eviction. Stout analyzed data from the client intake interview to determine the frequency with which EFM clients who received extensive service indicated they were experiencing at least one complex case criteria (defective conditions, for example). From September 1, 2021 through December 31, 2022, 86% of EFM clients<sup>16</sup> were experiencing at least one complex case criteria, and in 31% of all EFM cases, clients were experiencing multiple complex case criteria. By comparison, Stout's evaluation of Connecticut's and Cleveland's eviction right to counsel program found 100% and 86% (respectively) of closed extensive service cases had at least one complex case criteria the tenant client was facing.

### ***EFM Creates Economic and Fiscal Benefits***

Stout estimates that between September 1, 2021 and December 31, 2022 Milwaukee County likely realized economic benefits of \$9 million to \$9.3 million as a result of EFM. Total public-private investment in EFM was approximately \$3 million, resulting in an estimated return on

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<sup>16</sup> For closed cases where the client received extensive service.

investment of between \$3.00 and \$3.10, consistent with Stout’s findings regarding return on investment for similar programs in other jurisdictions. The estimated benefits are related to:

- Out-of-home foster care costs - \$2.3 million
- Economic value preserved by reducing migration out of Milwaukee County - \$2.3 million
- Cost savings related to housing social safety net responses - \$2.3 million to \$2.6 million
- Retained federal and state funding for Milwaukee Public Schools - \$1.3 million
- Cost savings related to Medicaid spending on health care - \$800,000.

Stout’s preliminary estimate of fiscal impact is likely significantly understated. Included in the calculation are benefits of EFM that can be quantified based on currently available data. However, Milwaukee County (and Wisconsin) would likely realize additional benefits that are not currently quantifiable based on available data.

Stout’s estimates of fiscal impacts do not include the impacts that may arise from rental property owners’ perceptions of and responses to EFM. For example, Stout’s estimates do not include quantifications of additional rental arrears that may accumulate and not be collected or housing market impacts if a small rental property owner decides to sell their property to a corporate rental property owner (local or out-of-state) because of the actual or perceived impacts that may arise from increased rates of tenant representation. These fiscal impacts are exceedingly challenging to quantify as there are significant externalities and a variety of factors that rental property owners consider when amending their business practices or considering exiting the rental property business. Isolating and controlling for the specific impact of increased tenant representation on rental property owners’ business decisions is outside of the scope of Stout’s evaluation.

### *Legal Aid Society of Milwaukee and Legal Action Have Made a Significant Commitment to Data Collection and Iterative Evaluation*

Legal Aid Society of Milwaukee’s and Legal Action’s dedication to data collection has been critical for developing a data-oriented approach to the EFM evaluation over the past 18 months. In late 2021, Legal Aid Society of Milwaukee expanded its data collection, investing significantly in a comprehensive client interview process to understand clients and their circumstances more deeply. Stout worked with Legal Action to incorporate into their data collection as many data elements collected by Legal Aid Society of Milwaukee as possible. Based on the data collected by Legal Aid Society of Milwaukee and Legal Action, Stout evaluated the client goals achieved, analyzed client household demographics and case characteristics (including case complexities), and estimated the preliminary fiscal impacts of EFM. These quantitative analyses were combined with and informed by qualitative feedback from Legal Aid Society of Milwaukee, Legal Action, rental property owners (and their counsel, agents, and property managers), tenants, and other Milwaukee County eviction ecosystem stakeholders.

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### *Opportunities to Enhance the Implementation of EFM in 2023*

The first 18 months of EFM highlighted opportunities to continually refine EFM through deeper analyses and additional stakeholder connections. As discussed throughout this independent evaluation report, quantitative analyses supplemented with qualitative feedback from Milwaukee’s eviction ecosystem are crucial to a well-rounded evaluation, and there are opportunities to further both. As detailed further in Section VI, Stout developed the following recommendations:

- Collaborate with rental property owners, their counsel, agents, and property managers to address mutually agreed upon challenges and barriers within Milwaukee’s eviction and rental housing ecosystem.
- Support the development of a Tenant Advisory Council and a Rental Property Owner Advisory Council to gather feedback about and refine EFM.
- Refine data collection and analysis to understand better:
  - If clients had previous evictions filed against them
  - Amount of rent stated in the notice, amount of rent sought in complaint, and amount of rent the client thinks they owe
  - Where clients would go if they had to move
  - If clients want to stay in their home
  - If a client was represented by EFM in the previous 12 months
  - The distribution of hours spent on EFM cases in total and by staff position (i.e., supervising attorney, attorney, paralegal, other support staff) and case / client circumstances that may require more or less time to reach an effective resolution
  - The frequency with which settlement agreements fail in the months following their execution, which could be achieved through a client survey after the resolution of the case.
- Ensure client interview information is complete whenever possible, and EFM cases are promptly closed.
- Develop and implement processes for ensuring attorney time is entered promptly. Prompt recording of attorney time is important for assessing attorney caseload and understanding how much time attorneys are spending on certain activities (e.g., administrative tasks compared to substantive legal work).

- Convert elements of case notes into structured data fields. Legal Aid Society of Milwaukee is collecting at least 100 structured data fields from the client interview to case closure. If a structured data field exists, entering data into it (in addition to recording it in the case notes, if it is helpful to the attorneys) enables a more robust quantitative evaluation.
- Expand door-to-door canvassing and develop and implement an outreach strategy centered on local trusted messengers.
- Understand efforts that rental property owners are undertaking to work with tenants prior to filing an eviction (e.g., securing rental assistance, participating in pre-filing eviction diversion or mediation) and how these efforts may differ across rental property owners. Eviction diversion and mediation programs (either pre- or post-filing) could significantly enhance the impact of EFM, particularly when the only issue in the case is the undisputed non-payment of rent. These cases could be handled outside the adversarial legal system, leaving cases with substantive legal issues and disputes of fact to be litigated in the adversarial legal system.
  - Legal Aid Society of Milwaukee and Legal Action should also coordinate and collaborate with the court to integrate, to the extent possible, EFM with the National Center for State Court’s Eviction Diversion Initiative in Milwaukee.

# Section III-Qualitative Evaluation Findings



### *Feedback from Rental Property Owners and Their Counsel/Agents*

Since Stout began evaluating EFM in September 2021, it has consistently engaged with and sought feedback from rental property owners, their counsel, and property managers in Milwaukee. Stout has worked to incorporate their perspectives into the evaluation and has encouraged rental property owners to interact with Legal Aid and Legal Action directly. On September 29, 2022, the Legal Aid Society of Milwaukee and United Way convened a meeting of rental property owners, attorneys representing rental property owners, property managers/agents, and an emergency rental assistance provider, which Stout facilitated. There were approximately 20 attendees, and the purpose of the meeting was to solicit feedback from these stakeholders about their experiences with the eviction process, including, but not limited to, the role of EFM and attorneys representing tenants. The following paragraphs detail themes that emerged from those who attended and participated in the meeting, as well as from feedback we received from this community throughout our evaluation process.

#### *Rental Property Owners and Their Counsel/Agents Believe Pre-filing Eviction Diversion, Mediation, and Sustained Emergency Rental Assistance Are Essential Complements to EFM and the Ability to Effectively and Efficiently Resolve Certain Non-Payment Eviction Cases*

Several participants discussed the need for ongoing, sustained emergency rental assistance funds and the necessity of these funds for resolving cases where the only issue is the non-payment of rent.<sup>17</sup> However, participants expressed frustration from the administration of emergency rental assistance funds over the last several years, particularly with how long it took to receive emergency rental assistance funds and the lack of transparency regarding where the application was in the process. The Legal Aid Society of Milwaukee and Legal Action agreed with and appreciated these concerns and frustrations from the rental property owner community. One emergency rental assistance provider agreed that there were opportunities to improve transparency and communication between all parties during the emergency rental assistance application process and expressed a commitment to implementing such changes. Participants also communicated that for them to accept emergency rental assistance from a sustainable source going forward, they would need to receive the emergency rental assistance within 2-3 weeks of an application being submitted. Participants appreciated and emphasized the importance of mechanisms for assistance as early in the eviction process as possible, such as pre-filing eviction diversion and mediation.

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<sup>17</sup> The National Low Income Housing Coalition (NLIHC) is leading a national effort – End Rental Arrears to Stop Evictions (ERASE) – designed to “ensure that the historic aid enacted by Congress reaches the lowest-income and most marginalized renters it is intended to help.” See <https://nlihc.org/erase-project>. Community Advocates is one of the ERASE award recipients. Community Advocates NHILC also released a report providing a blueprint for establishing a permanent emergency rental assistance program (available at previous link).

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*Rental Property Owners May Adopt More Stringent and Robust Tenant Screening Requirements Not as a Direct Response to EFM But Rather Their Experiences During the Pandemic*

During the listening session with rental property owners in Milwaukee, as well as in our feedback from this community throughout the evaluation process, there was consistent feedback regarding how their perceptions and expectations of the eviction process changed during and as a result of the pandemic. For example, the eviction moratorium caused many of them to reconsider their risk and financial exposure as they experienced significant periods without rent being paid, large amounts of arrears accumulating, and a perception that they did not have recourse (due to the moratorium).

Many of the participants of the listening session, consistent with feedback Stout has received from rental property owners around the country, discussed how the expected or perceived length of the eviction process impacts their business and personal decisions. Rental property owners and managers described that when they perceive that the eviction process could take longer than the financial security they have (typically in the form of a security deposit) they may adapt their business process to minimize their potential risk of loss. This could include requiring proof of employment history and verifying current employment, increasing income requirements to be 3 times rent, reviewing credit and criminal records, conducting background checks and reference checks, and increasing amounts of security deposits. For example, one rental property owner Stout engaged with (outside Milwaukee) communicated that if they knew the eviction process would likely be 60 days or less, they would be more likely to accept tenants who may have prior eviction records and/or income that is not necessarily 3 times the rent. This feedback is consistent with feedback from rental property owners Stout has engaged with across the country (including Milwaukee), particularly rental property owners who may only have 1-3 units.

Through Stout's engagement with rental property owners, managers, and rental property owners' counsel in Milwaukee and across the country, it learned the importance of appreciating that in response to policy or procedure changes that rental property owners perceive may lengthen the time required to evict a tenant or resolve a non-payment issue or other dispute, certain rental property owners may respond by amending their business practices. It is possible that some rental property owners may request higher security deposit amounts, increase rents, or require additional compensation or tenancy terms to achieve their business objectives. There are also many other internal and external factors that impact why rents may increase or why other changes may be implemented in the rental property owner community. This is particularly true as the COVID-19 pandemic recedes, inflation normalizes, court processes change, rental assistance programs change or dissolve and other macro- and micro-economic factors occur that can impact rental rates and tenancy terms for households with lower incomes. For example, rents have increased significantly across the country, in jurisdictions with and

without an eviction right to counsel and a wide variety of other tenant protections.<sup>18</sup> Disaggregating all those effects to determine the specific responses that may be related to an individual policy, particularly one that overwhelming provides legal representation in eviction cases where there are substantive contested issues in addition to the non-payment of rent, is exceedingly difficult.

### *Tenants, Rental Property Owners, and Rental Property Managers in Milwaukee Could Benefit from Educational Information and/or Materials*

There have also been discussions throughout the rental property owner and legal aid communities regarding the need for education and training programs for both rental property owners and tenants. In Milwaukee, stakeholders, including rental property owners, their counsel and property managers, indicated that certain rental property owners may not understand their obligations as a rental property owner or have the requisite knowledge and expertise to operate a rental property business and maintain habitable safe housing, even if they only own 1 property. For example, rental property owners may not know what local property codes they need to comply with, how to properly serve an eviction notice, or understand how to budget for large non-recurring expenses (e.g., a new roof or HVAC system). Stakeholders also indicated that tenants often do not understand terms of their leases, whether they are responsible for certain utilities, or requirements for withholding rent. Education and training programs could be designed to ensure both parties know their rights, obligations, and responsibilities as well as to raise awareness about available community resources when issues arise. Education and training programs for rental property owners, particularly ones related to managing a rental business, may enable rental property owners to avoid financial precarity that can result in business practices that increase the risk of housing instability for tenants.<sup>19</sup> Milwaukee Legal Aid and Legal Action agreed that educational information and materials could be helpful complements to the EFM and the rental housing ecosystem in Milwaukee.

### *Rental Property Owners and Their Counsel/Agents Appreciate There Are Certain Circumstances Where a Tenant Could Benefit from Legal Representation in Eviction Cases*

Rental property owners communicated that legal representation is important and valuable when tenants are experiencing substantive issues or disputes with the rental property owner and when the tenant needs assistance accessing rental assistance or other social programs. One attorney for a prominent rental property owner in Milwaukee indicated that all tenants should have access to an attorney in eviction cases. As described in detail throughout this report, an

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<sup>18</sup> Ludden, Jennifer. “The housing market squeeze pushes renters into bidding wars.” NPR. June 2022.

<sup>19</sup> Grief, Meredith. “Collateral Damages, Landlords and the Urban Housing Crisis.” The American Sociological Association’s Rose Series in Sociology. 2022.

overwhelming majority of Milwaukee tenants seeking legal assistance through EFM were experiencing substantive issues or disputes with the rental property owner or needed assistance accessing rental assistance or other social programs. Cases without such complications will typically not require longer times to resolve. Thus, rental property owners who are maintaining their properties, using written lease agreements, and applying business practices that emphasize clear communication and assistive services for tenants are less likely to experience eviction processes that require significant time to resolve.

It was important to rental property owners that legal representation be assistive in achieving an effective and efficient resolution of the case and not unnecessarily extend the duration of the case. The Legal Aid Society of Milwaukee has welcomed feedback from rental property owners and their counsel/agents when they perceive the unnecessary extension of the case.

In several jurisdictions with eviction right to counsel or eviction prevention/diversion programs, Stout has engaged with rental property owners, their counsel, and rental property managers who have indicated support for programs that ensure tenants have access to legal representation. Several attorneys representing rental property owners indicated their preference for working with a legal aid attorney rather than an unrepresented tenant and described the efficiencies in doing so. Several rental property owner attorneys have communicated that tenant legal representation minimizes disruption to the lives of tenants experiencing an eviction filing, which is helpful in the short-term, but longer-term supports (such as rental assistance and social work) may be necessary. Rental property owners, their counsel, and rental property managers in Milwaukee, and elsewhere, described mediation and eviction diversion as essential components of eviction right to counsel ecosystems in that they are mechanisms for reserving the adversarial litigation process for the cases that most need it, which is beneficial for both rental property owners and tenants, as well as the courts.

### ***Sealing Eviction Records is Helpful for Tenants and Rental Property Owners Want Access to Eviction Records for Screening Purposes – Although Rental Property Owners Agreed that Certain Eviction Records Should be Sealed***

Stakeholders in Milwaukee appreciate the challenges tenants with previous eviction judgments face when trying to secure housing. However, they also frequently use the Consolidated Court Automation Programs (CCAP) system to assess whether a potential tenant had a previous eviction filing against them. Rental property owners may use publicly available data, such as eviction filings, to assess risk when determining whether to rent to a prospective tenant. Even when rental property owners review detailed docket entries and case dispositions, there are significant qualitative factors and nuances to cases that cannot be discerned through reviews of information available in the eviction court docket, such as concerns from the tenant about substandard housing conditions, verbal agreements that may have been reached between the landlord and tenant, disputes about the terms of tenancy, or attempts the tenant may have

made to resolve the matter or pay any accumulated arrears. That is, an eviction *filing*, regardless of the underlying circumstances, is often considered an indicator of risk. It is possible that a tenant experienced an eviction filing and then the case was dismissed, withdrawn, or disposed of in another manner that would indicate that the tenant resolved the issue or that the case may have involved other circumstances unrelated to the tenant's ability to pay. Furthermore, rental property owners have other ways of assessing the potential risks associated with existing or new tenants. For example, they often conduct reference checks with prior rental property owners, employment and income verifications, background checks, credit screenings, and in-person visits to their current residence.

During our listening session in Milwaukee, stakeholders generally agreed that if there was no money judgment in the case, or there was a money judgment but no docket entry indicating there was an attempt to collect the money judgment, the tenant's eviction record should be sealed. Counsel for one rental property owner in Milwaukee indicated when a tenant's attorney makes a motion to seal the case, the judge asks opposing counsel if they object, and "very rarely" does opposing counsel object to the tenant attorney's motion to seal the case. It is also important to note there were varying viewpoints among stakeholders regarding when eviction record sealing should occur and how long the record should remain sealed.

Eviction record sealing is a relevant and important consideration in our evaluation of EFM. Certain EFM clients did communicate a goal of having their eviction record sealed, and EFM attorneys worked to achieve this goal, when possible. For example, approximately 49% (382) of EFM clients had the goal of sealing their eviction record, and EFM attorneys were able to assist 72% of these clients in achieving this goal from September 1, 2021 to December 31, 2022.

Tenant advocates communicated that having an eviction record sealed can assist a tenant in securing new housing. Rental property owners communicated that record sealing can increase the risks they face and the costs they must incur to limit those risks when they are unable to know if a tenant has had another recent eviction filing against them. However, a full assessment of the pros and cons of record sealing for both tenants and rental property owners is beyond the scope of our work.<sup>20</sup>

### ***Certain Rental Property Owners May Exit the Rental Property Business, But Not Necessarily Exclusively Because of Increased Tenant Representation***

Rental property owners may sell their property when they perceive that changes to the eviction process increase their costs and risks beyond the financial benefits they receive by remaining in the rental property business. For some rental property owners, this may have become particularly acute as a result of the COVID-19 pandemic, particularly due to eviction moratoria

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<sup>20</sup> Filing a motion to seal may extend the duration of the case in that current court practices require that the matter be docketed for a motion hearing.

and poor administration of emergency rental assistance programs, leaving rental property owners feeling as if they did not have recourse against tenants who accrued rental arrears. While certain eviction cases only involve the non-payment of rent (i.e., there are not other substantive legal issues, disputes of fact, or defenses a tenant could raise and the rental property owner maintains their property and is using an eviction filing as a last resort), the overwhelming majority of EFM cases are complex, as discussed throughout this report. However, rental property owners who execute written leases with tenants, maintain their properties, have a working relationship with their tenants, and use eviction filings as a last resort, would not likely experience potential additional costs from cases whereby the tenant is able to secure legal representation.

Some rental property owners and property managers in Milwaukee indicated they personally sold their rental property, or knew of other rental property owners who sold theirs. They shared that current rental property market conditions may have enabled them to realize significant profit on the sale of the property and that increased tenant representation was not a factor in their decision. Researchers at Marquette Law School’s Lubar Center analyzed public records and found that since 2005, the number of residential properties owned by individuals or entities increased from 1,300 to 6,000.<sup>21</sup> Out-of-state buyers initially purchased properties that were recently owner-occupied, but after the foreclosure crisis, they began purchasing more properties from local rental property owners and often purchased multiple rental properties at a time.<sup>22</sup> As of November 2022, approximately 1 in 6 rental properties in Milwaukee were owned by out-of-state entities.<sup>23</sup> The high demand for rental properties can create profit incentive for local, small rental property owners in Milwaukee to sell and exit the rental property business. Stakeholders in Milwaukee shared that profit was the motivating factor – not increased representation for tenants – for rental property owners selling their properties.

***Rental Property Owners, Their Counsel/Agents, Legal Aid Society of Milwaukee, and Legal Action Agree There Are Changes to Court Processes and Procedure That Would Benefit Rental Property Owners and Tenants***

Stakeholders shared their experiences interacting with the court and opportunities for systemic change that would benefit rental property owners and tenants. Both parties expressed some frustration with virtual hearings during the pandemic, indicating it was significantly more challenging to settle eviction cases that would have been efficiently resolved if they were in-

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<sup>21</sup> Gousha, Mike and Johnson, John. “Growing ‘land grab’ by out-of-state investment landlords raises questions for Milwaukee homeowners and neighbors.” Milwaukee Journal Sentinel. April 2021.

<sup>22</sup> Ibid.

<sup>23</sup> Gousha, Mike and Johnson, John. “In competition for Milwaukee’s neighborhoods, out-of-state landlords remain a concern.” Milwaukee Journal Sentinel. November 2022.

person. Stout understands contested hearings were scheduled to return to being in-person in October, and both lawyers for rental property owners and the legal services organizations were looking forward to in-person hearings again.

Both parties agreed that the inconsistency from the bench is challenging. The small claims judge changes annually, and because a new judge may not have extensive experience with hearing eviction cases and brings their own judicial philosophy to the courtroom, there may be significant differences in how eviction cases are heard and decided from year-to-year.

### *Feedback from Cleveland Rental Property Owners in “Collateral Damages” Book*

*Collateral Damages*, authored by Meredith Greif and published in 2022, describes how certain local laws may impact rental property owner business practices and whether laws passed aimed at protecting tenants are successful in doing so. The book examines these dynamics in Cleveland. The qualitative researchers conducted a 3-year study of 60 small- and medium-sized rental property owners in Cleveland who were providing affordable housing to renters with low- and moderate-incomes. During the study, rental property owners shared how they entered the rental housing industry, their business practices and goals, their experiences and decision-making regarding rent collection, eviction, repairing substandard housing conditions, and participating in housing subsidy/voucher programs. Many of the experiences the Cleveland rental property owners shared with the researchers were consistent with feedback Stout has received from rental property owners throughout the country. For example, in *Collateral Damages*:

- Rental property owners described the impact that the length of the eviction process has on them, particularly rental property owners with one to three units. The researchers stated:
  - “The small landlords in this study said that the greater amount of time necessary to remove a tenant through a court eviction hearing increased their sense of financial precarity.”<sup>24</sup>
  - “The length of the court eviction process and its associated costs, including court filing fees, motivated landlords to pursue illegitimate means to remove tenants hastily and without cost so as to protect their bottom line.”<sup>25</sup>

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<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

- Rental property owners engaged in robust tenant screening practices to minimize their financial risk, and in certain instances, to circumvent other local laws. The researchers stated:
  - “Landlords’ screening practices blocked marginalized tenants’ access to decent, affordable housing. Some screening approaches violated the Fair Housing Act, which bans discrimination on the basis of race, ethnicity, disability, and the presence of children. For instance, landlords turned away applicants with young children because they lacked the capital to satisfy the lead safety laws that apply to households with children under six.”<sup>26</sup>
  - “Landlords shared their ‘tenant blacklists’ with other landlords in their social or professional circles.”<sup>27</sup>
  - “Landlords reported dropping by prospective tenants’ current residences, often unannounced or with little notice, to assess their lifestyle, the cleanliness of their environment, and their children’s behavior. This is but one landlord practice that made tenants’ housing search unpredictable.”<sup>28</sup>
- Mediation for eviction cases can be helpful for the rental property owner and the tenant. The researchers stated:
  - “Despite landlords’ pursuit of financial rewards in the business, factors beyond economic interests can motivate them to make decisions that benefit their tenants, as seen in mediation sessions.”<sup>29</sup>
  - “[The orientation of mediation being focused on procedural justice] could help explain why the vast majority of Housing Court’s mediation cases were settled, with some benefit for the tenant, including an extended move-out date or the dropping of a claim for owed money.”<sup>30</sup>
  - However, the researchers also recognized, “Power differentials between the landlord and the tenant can undermine the extent to which mediation maximizes benefits for tenants. Without sufficient access to legal counsel, tenants may underestimate the likelihood of receiving a verdict in the

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<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.



courtroom that will provide them with benefits beyond those accrued through a mediation settlement.”<sup>31</sup>

Based on their 3-year qualitative study of rental property owners in Cleveland, the researchers concluded that **Cleveland has “a system of laws that perpetuates inequality, perhaps unintentionally, because it fails to account for both landlords’ and tenants’ social and economic circumstances.”**<sup>32</sup> [emphasis added] The researchers offer several recommendations they believe would benefit rental property owners and tenants. These recommendations include but are not limited to:

- Ensuring tenants have access to information about their rights and protections
- Investing in programs that mentor and educate rental property owners about operating and managing a rental business effectively
- Enforcing rental housing codes
- Convening forums between rental property owners and local city agencies regulating or interacting with rental property owners to ensure rental property owner perspectives are considered
- **Ensuring tenants with low incomes have a right to free legal advice and legal representation.**<sup>33</sup> [emphasis added]

### ***Stout’s Engagement with Other Milwaukee Stakeholders***

In November 2021, Stout began engaging with a variety of Milwaukee stakeholders with experience and expertise interacting with the Milwaukee rental housing and eviction ecosystem, serving clients or residents who may have interacted with the Milwaukee County eviction ecosystem, or studying the Milwaukee County eviction ecosystem. The purpose of these meetings was to learn from stakeholders throughout Milwaukee who have different perspectives and experiences with the eviction process or who have observed the impact of evictions on Milwaukee County residents and rental property owners. Over several months, Stout met with stakeholders from:

- Apartment Association of Southeastern Wisconsin
- City of Milwaukee Real Estate Development Services Division
- Community Advocates
- Mediate Milwaukee
- Medical College of Wisconsin
- Milwaukee County Behavioral Health Division
- Milwaukee County Housing Division

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

- Milwaukee Public Schools
- Urban Economic Development Association
- University of Wisconsin-Milwaukee, Waukesha Campus
- VIA Community Development Corporation
- Wisconsin Policy Forum
- 2-1-1/IMPACT

Many of the stakeholders shared their unique perspectives with Stout. Many stakeholders (including the Apartment Association of Southeastern Wisconsin which is an association for rental property owners) discussed the importance of early interventions and assistance for tenants both during and before the eviction process. Examples of early interventions and assistance included, but were not limited to: pre-filing mediation, sustained emergency rental assistance, “one-stop” service providers like the Milwaukee Rental Housing Resource Center (RHRC), and wrap-around services such as food security and health care services. Stakeholders familiar with Milwaukee County’s eviction process recognized the importance of tenants having legal representation, particularly for more complex or challenging cases and circumstances, but also communicated that legal representation is only one component of an eviction ecosystem that could operate better for both tenants and rental property owners.

Several stakeholders (or their organization or agency) provided services to people experiencing homelessness – a portion of which, they indicated, had also experienced an eviction. These stakeholders discussed the social safety net responses that can be required after a household is evicted, which included but were not limited to:

- Emergency shelter, rapid re-housing, transitional housing, permanent supportive housing, or other housing social safety net responses
- Additional health care (physical and mental), generally funded by Medicaid
- Out-of-home foster care placements for children experiencing homelessness
- School transportation costs under the McKinney-Vento Act for children experiencing homelessness
- Food security resources and substance abuse resources
- Job search, job re-training, and unemployment benefits for people who lost their employment due to eviction or who were evicted because of job loss and the subsequent disruption to their income.

Stout seeks feedback from these or similar stakeholders in all of its evaluations of eviction right to counsel, eviction diversion and eviction prevention programs. The experiences, perspectives, and expertise of these stakeholders informs Stout’s evaluations by giving important context and nuance to quantitative analyses. As themes and patterns emerge throughout the evaluation, Stout reflects on the qualitative feedback it received and incorporates it into the evaluation process, including in the development of recommendations for program refinement

and improvement. These stakeholders also often suggest to Stout research and data to review or other experts from which it should seek feedback. Stout appreciated learning from the experiences and expertise of these stakeholders and worked diligently to incorporate their feedback, to the extent possible, throughout the evaluation. Stout is committed to continuing to seek this feedback because of the significant value it brings to the iterative evaluation process.

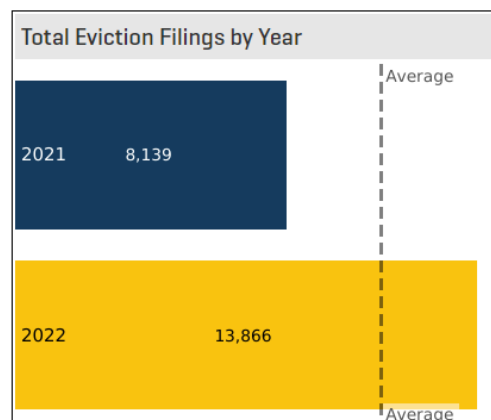
# Section IV-Year 1 Quantitative Evaluation Findings

## *Analysis of Eviction Filing Data*

Stout built a library of data visualizations and analyses using data Wisconsin Circuit Court made available through the Consolidated Court Automation Programs (CCAP).<sup>34</sup> Stout’s data visualizations and analyses are limited to eviction filings in Milwaukee County coded as “Small Claims, Eviction” and filed from January 1, 2021 through December 31, 2022. The data visualizations and analyses are limited to eviction filings from January 1, 2021 through December 31, 2022 because if an eviction case is dismissed and there is no money judgment on the docket, the eviction case will be removed from the public record after 2 years.<sup>35</sup> The removal of these cases from the public record limits Stout’s ability to accurately analyze eviction filings prior to 2021. In addition, cases that are sealed will have limited information available in CCAP which also limits the ability to comprehensively complete certain analyses that may depend on detailed or supplemental information from the dockets.<sup>36</sup>

### *Number of Eviction Filings in Milwaukee County*

In 2021, with court operations impacted by the COVID-19 pandemic, there were approximately 8,139 eviction filings in Milwaukee County according to CCAP data. From January 1, 2022 through December 31, 2022, there were 13,866 eviction filings – approximately a 78% increase in eviction filings from 2021 to 2022. Figure 1 shows these trends by year, and Figure 2 shows these trends by month and year.

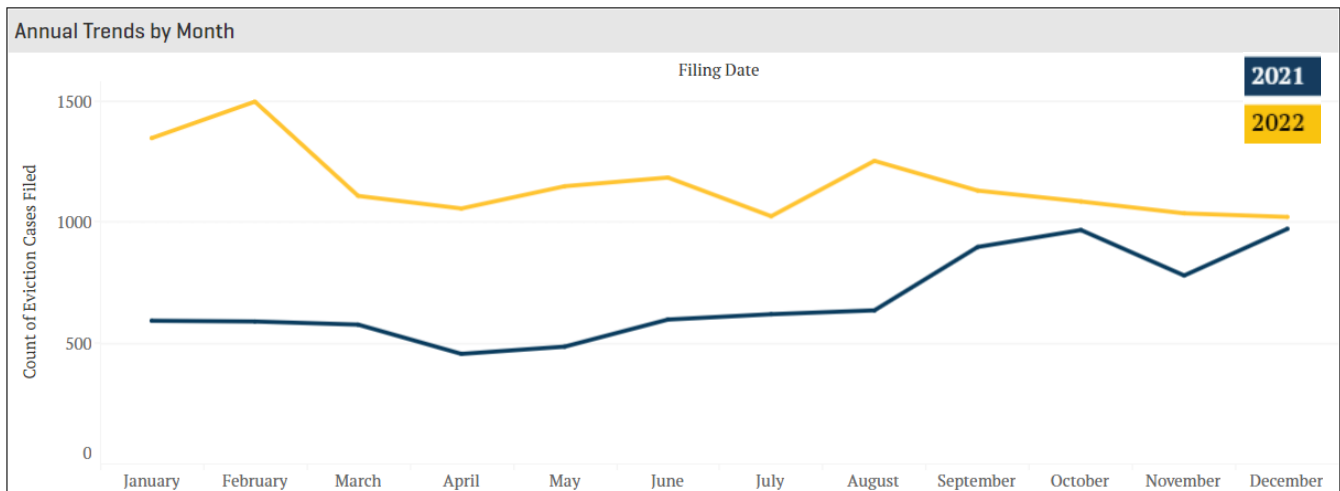


**Figure 1 – Annual Eviction Filings**

<sup>34</sup> The metrics throughout this section using CCAP data are presented by Stout, not the Wisconsin court system or CCAP. The data or information provided is not the official records of the court. Data provided from WCCA Information may not reflect the most current disposition activity. Users should verify the data and information by consulting the official court record maintained by the court in question. The official custodian of all official circuit court records in Wisconsin is the clerk of circuit court or register in probate.

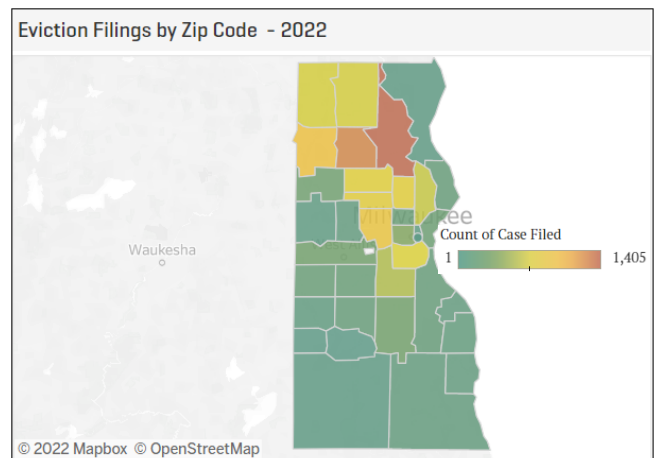
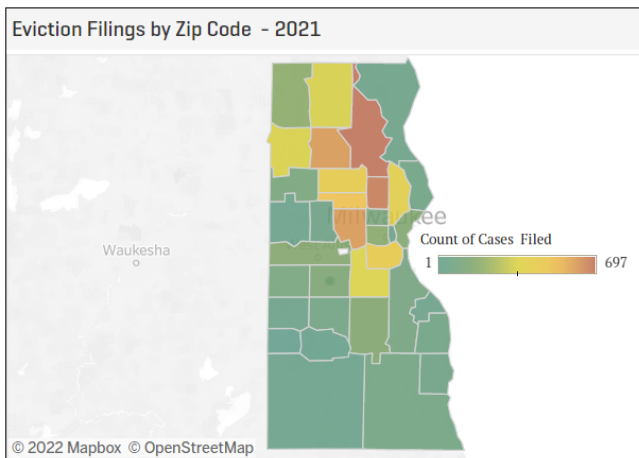
<sup>35</sup> See [Tenant Resource Center](#) or [Wis. Stat. 758.20\(2\)\(a\)](#)

<sup>36</sup> Stout thanks Branden DuPont for assistance with the interpretation of CCAP data based on compilation and analysis of eviction filing data for the City of Milwaukee available at: <https://mke-evict.com/>



**Figure 2 – Annual Eviction Filing Trend by Month**

Eviction filings in Milwaukee County in 2021 and 2022 were concentrated in zip codes within the City of Milwaukee (e.g., 53209, 53206, 53218, and 53208). Figure 3 shows eviction filings in Milwaukee County in calendar year 2021 by zip code, and Figure 4 shows the same information for eviction filings in calendar year 2022.



**Figure 3 – 2021 Eviction Filings by Zip Code      Figure 4 – 2022 Eviction Filings by Zip Code**

In 2022, Berrada Properties filed the most evictions (2,198) of any rental property owner in Milwaukee County, approximately 10% of all eviction filings during this period. Berrada Properties, the largest rental property owner in Milwaukee with approximately 8,000 units, also filed the most evictions in calendar year 2022 (2,022). The 2,022 eviction filings in accounted for approximately 15% of all eviction filings in Milwaukee County during that period. The rental property owner entity that filed the second most evictions in 2022 accounted for approximately 2% of all eviction filings in Milwaukee County during that period.

### Party Representation Rates in Milwaukee County Eviction Filings

In 2021, approximately 5% of defendants/tenants were represented in Milwaukee County eviction filings, and in 2022 approximately 12% of eviction defendants/tenants were represented.

Prior to the launch of EFM in September 2021, the monthly representation rate for defendants/tenants was 2% to 3%. From September 2021 through November 30, 2022, the monthly defendant/tenant representation rate was 6% to 16%. Figure 5 shows the annual defendant/tenant representation rates for 2021 and 2022 (through November 30, 2022). Figure 6 shows the monthly defendant/tenant representation rates from January 2021 through November 2022. It is important to note that defendant/tenant representation rates are likely understated due to a delay in the docket reflecting the appearance of counsel.

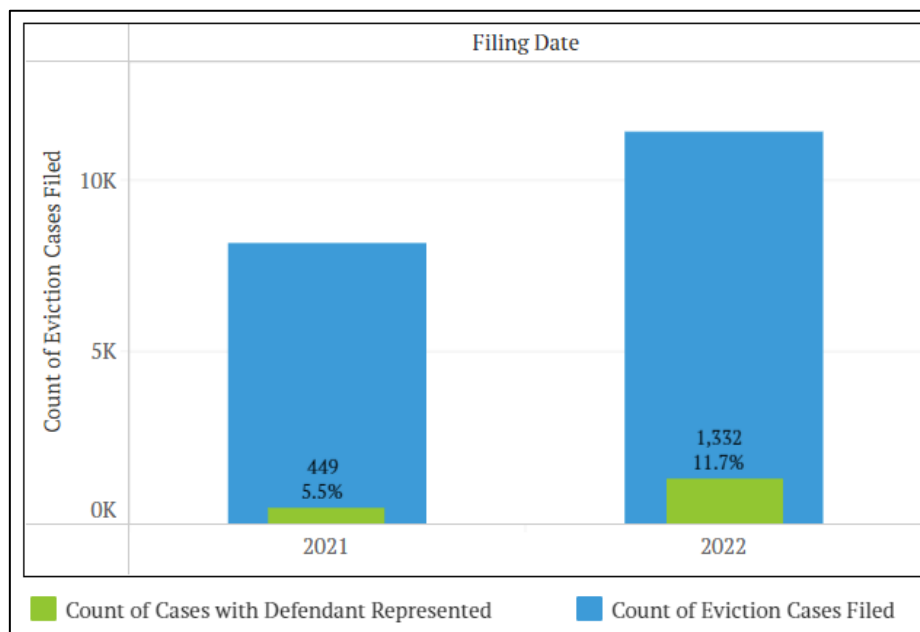
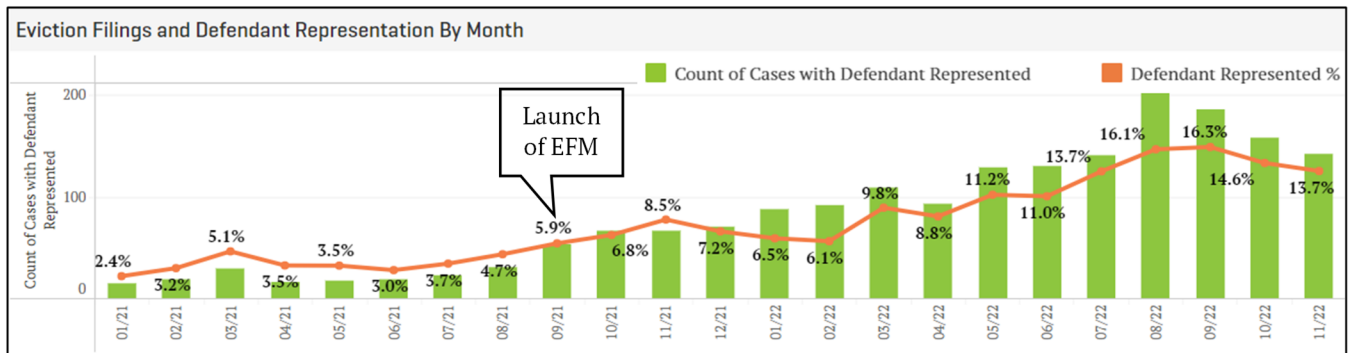
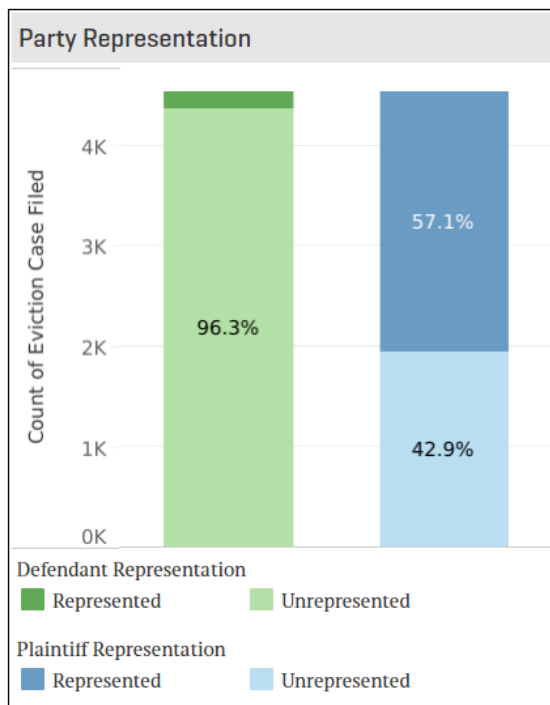


Figure 5 – Eviction Filings with Defendant/Tenant Represented

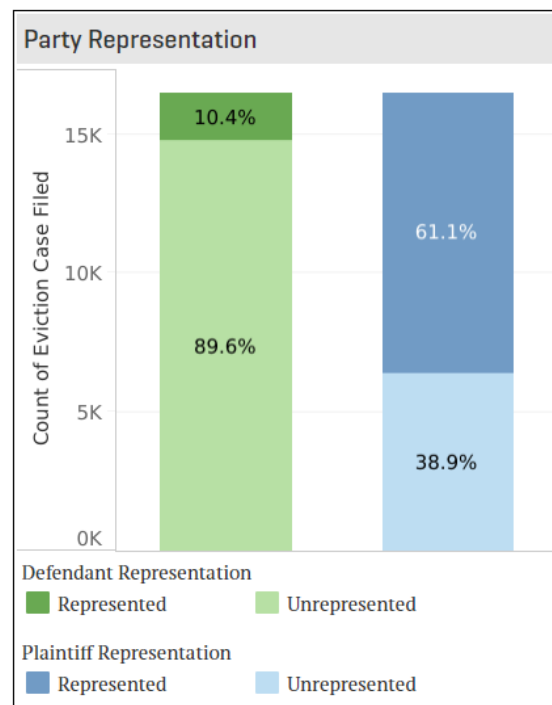


**Figure 6 – Monthly Trend of Eviction Filings with Defendant/Tenant Representation**

Figure 7 compares the representation rate of defendants/tenants and plaintiffs/rental property owners for eviction cases filed in Milwaukee County from January 1, 2021 through August 31, 2021 (prior to the launch of EFM), and Figure 8 compares the representation rates from September 1, 2021 through November 30, 2022. After the launch of EFM, a higher proportion of defendants/tenants and plaintiffs/rental property owners were represented then before than launch of EFM. Stout’s understanding is that in many cases where the docket information indicates that the plaintiff/rental property owner is not represented, the plaintiff/rental property owner may have agents appearing on their behalf, however, agent representation is not reflected in the docket, and therefore the plaintiff/rental property owner representation rate is likely understated.



**Figure 7 – Party Representation Prior to EFM (1/1/21 through 8/31/21)**

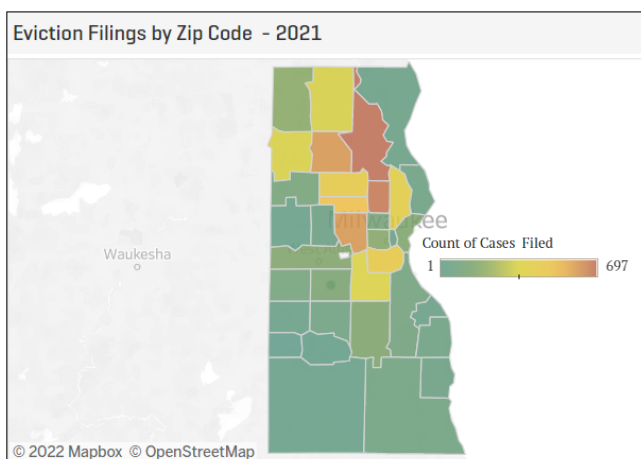


**Figure 8 – Party Representation After EFM (9/1/21 through 11/30/22)**

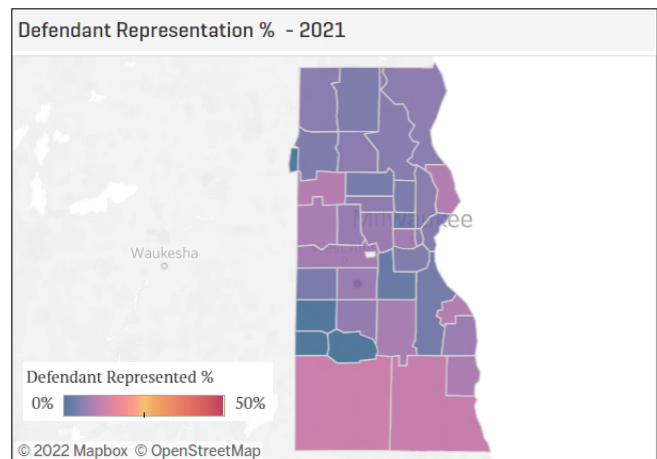


While the defendant/tenant representation rate has increased significantly since EFM began, an average of only 10% of defendants/tenants were represented each month since then (September 2021). Additionally, the defendant/tenant representation rate does not include defendants/tenants who received brief services/advice and counsel from an attorney, or those who initially contacted EFM but did not complete the intake process. Data provided by Legal Aid Society of Milwaukee indicates approximately 16% of EFM clients received brief services, and approximately 5% received limited representation. The percentage of EFM clients receiving brief services and limited representation is consistent with eviction right to counsel programs Stout is evaluating.

Figures 9-12 show the number of eviction filings and the defendant/tenant representation rate by zip code for 2021 and 2022 (January 2021 through November 30, 2022). During both periods, eviction filings were concentrated in the north/northwest Milwaukee County zip codes. These zip codes have high concentrations of poverty, single-parent households, and cost-burdened renter households.<sup>37</sup> Additionally, many of these zip codes have majority Black populations. The distribution of eviction filings by zip code remains relatively consistent from 2021 through November 30, 2022 while the defendant/tenant representation rate increases (i.e., zip codes transitioning from dark blue to purple and pink). The zip codes with the largest increase in defendant/tenant representation were ones with public awareness campaigns and door-to-door canvassing that informed tenants about the availability of legal assistance and other resources.<sup>38</sup>



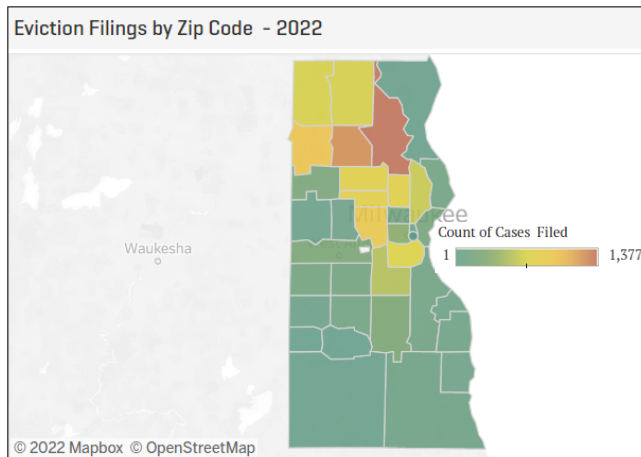
**Figure 9 – Eviction Filings by Zip 2021**



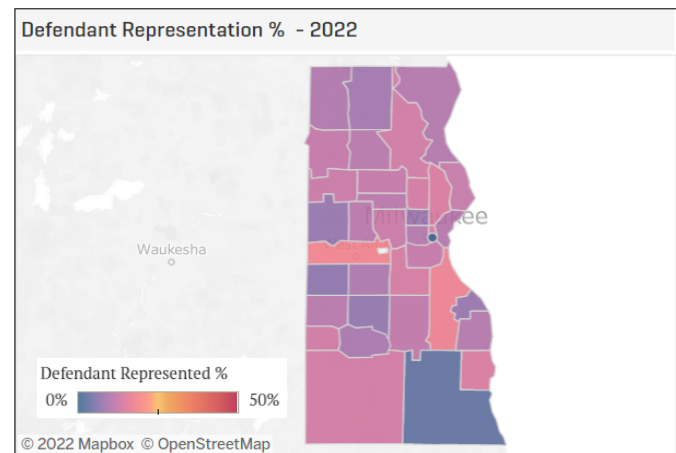
**Figure 10 – Defendant/Tenant Representation Rate 2021**

<sup>37</sup> Identified using Health Compass Milwaukee ([link](#)) which uses American Community Survey and U.S. Census data sources.

<sup>38</sup> Legal Aid Society of Milwaukee also mails a daily resource list to individuals who have received a summons/complaint regarding EFM services.



**Figure 11 – Eviction Filings by Zip 2022**



**Figure 12 – Defendant/Tenant Representation Rate 2022**

### *CCAP Case Dispositions for Eviction Filings in Milwaukee County*

Stout analyzed the case dispositions recorded in CCAP for evictions filed in Milwaukee County from January 1, 2021 through December 31, 2022. The dispositions analyzed throughout this section are only for closed cases. Stout understands that if an eviction case is dismissed and there is not a money judgment on the docket, the eviction case will be expunged from the public record after 2 years,<sup>39</sup> and cases that have their records sealed will also have limited information available in CCAP. Given the removal of these cases and/or related case information from the public record, Stout limits its analyses of court-recorded case dispositions to cases filed in the last 2 years (January 1, 2021 through December 31, 2022). Figure 13 shows the case dispositions recorded in CCAP for evictions filed in Milwaukee County from January 1, 2021 through December 31, 2022.

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<sup>39</sup> Wis. Stat. 758.20(2)(a).

Both Parties Unrepresented			Both Parties Represented		
Case disposition	=		Case disposition	=	
Dismissed	4,045	57.6%	Dismissed	508	54.4%
Default judgment	2,065	29.4%	Stipulated dismissal	182	19.5%
Other	491	7.0%	Other	137	14.7%
Stipulated dismissal	400	5.7%	Default judgment	101	10.8%
Dismissed by court OR Dismissed by court order	4	0.1%	Judgment after court trial	4	0.4%
Judgment after court trial	4	0.1%	Dismissed by court OR Dismissed by court order	1	0.1%
Judgment after court commissioner hearing	3	0.0%	Dismissed due to bankruptcy	1	0.1%
Administrative disposition	2	0.0%			

Defendant Only Represented			Plaintiff Only Represented		
Case disposition	=		Case disposition	=	
Dismissed	335	63.4%	Dismissed	4,672	45.6%
Stipulated dismissal	69	13.1%	Default judgment	3,920	38.2%
Default judgment	62	11.7%	Other	915	8.9%
Other	59	11.2%	Stipulated dismissal	726	7.1%
Dismissed by court OR Dismissed by court order	1	0.2%	Judgment after court commissioner hearing	6	0.1%
Judgment after court commissioner hearing	1	0.2%	Dismissed due to bankruptcy	3	0.0%
Judgment after motion	1	0.2%	Dismissed by court OR Dismissed by court order	2	0.0%
			Judgment after court trial	2	0.0%
			Settlement/Stipulation - Before Trial	2	0.0%
			Consolidated	1	0.0%

**Figure 13 – CCAP Case Dispositions by Party Representation 2021 and 2022**

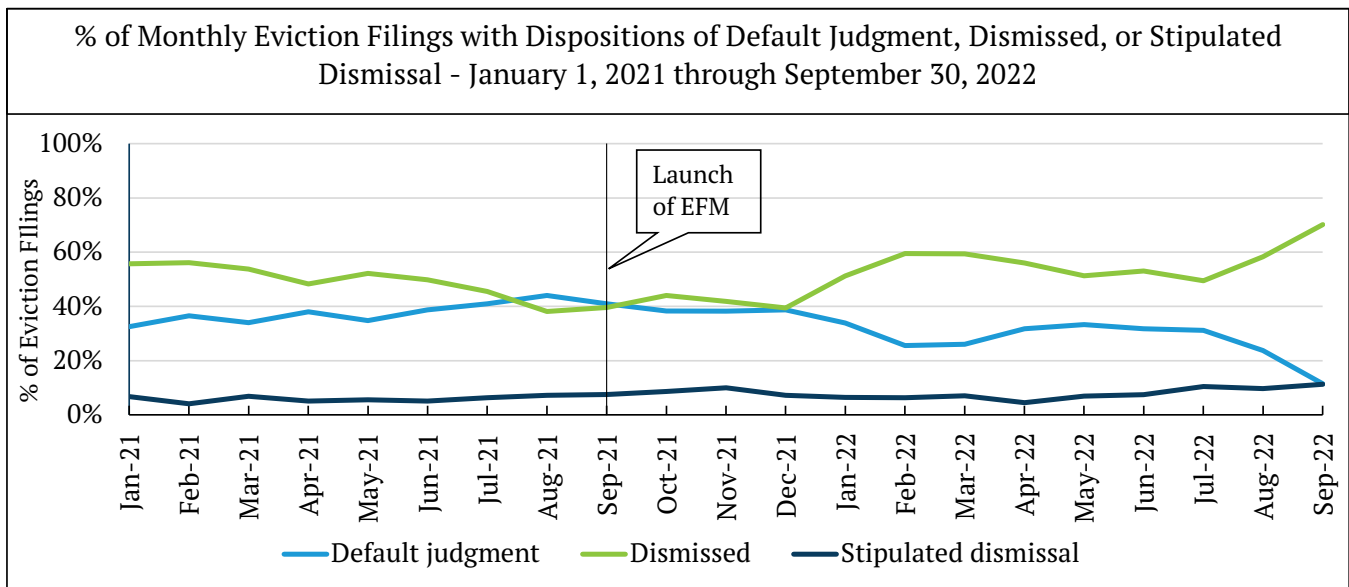
When both parties were unrepresented, approximately 58% of cases were dismissed. Similarly, approximately 54% of cases were dismissed when both parties were represented. When there is legal representation for only one party, there is a significant difference in the percentage of cases that are dismissed. Approximately 46% of cases were dismissed when only the plaintiff/rental property owner was represented, and approximately 63% of cases were dismissed when only the defendant/tenant was represented.

There was also a significant difference in the percentage of cases with default judgments<sup>40</sup> based on party representation. When only the plaintiff/rental property owner was represented, approximately 38% of cases resulted in a default judgment, and when both parties were unrepresented, approximately 29% of cases resulted in a default judgment. The percentage of cases with a default judgment decreased significantly when both parties were represented (approximately 11% of cases).<sup>41</sup>

<sup>40</sup> A default judgment typically involves a defendant / tenant not appearing at their hearing on the return date. See Updated 2019-20 Wis. Stats. Small Claims Actions 799.20.

<sup>41</sup> From January 1, 2021 to November 30, 2022, there were 95 cases where the court recorded a disposition of default judgment when both parties were represented. As one would not typically expect a default judgment when both

According to CCAP data aggregated and analyzed by the Medical College of Wisconsin, between approximately 48% and 53% of eviction filings from 2016 through 2019 had a disposition of default judgment.<sup>42</sup> The denominator for this default rate range includes cases that were dismissed and subsequently expunged. Figure 14 shows monthly trends for three case dispositions: default judgment, dismissed, and stipulated dismissal from January 2021 through September 2022.



**Figure 14 – Monthly Trends of Default Judgment, Dismissed, and Stipulated Dismissal Dispositions**

Figure 14 demonstrates an intra-period monthly trend that is not observable in Figure 13 which presents aggregated data from January 2021 through September 2022. The default rate trend from January 2021 through December 2021 is generally consistent with the percentage of cases with default judgment dispositions calculated by the Medical College of Wisconsin for 2016 through 2019. From January 2022 through September 2022, however, there is a significant decrease in the percentage of cases with default judgment dispositions. This decrease in cases with default judgments combined with the increase in cases with dismissed dispositions begins 3 months after the start of EFM in September 2021. That is, the availability of lawyers and the representation of defendants (as well as brief services, assistance with settlement negotiations for defendants, and connections to rental assistance) through EFM appears to have decreased the percentage of cases with default judgments and increased the percentage of cases that are dismissed. There also appears to be an increase in the percentage of cases with stipulated

parties were represented, these 95 cases could reflect an issue with court data or instances where there was representation recorded subsequent to an initial default judgment.

<sup>42</sup> [https://mke-evict.com/general\\_eviction/eleventh-post/](https://mke-evict.com/general_eviction/eleventh-post/)

dismissals after the start of EFM. Between approximately 4% and 7% of cases from January 2021 to August 2021 had stipulated dismissal dispositions, and from September 2021 to September 2022, approximately 6% to 11% of cases had stipulated dismissal dispositions.

Stout has learned through its work in other jurisdictions that lawyers assisting or representing defendants effectively negotiate stipulations or other agreements on behalf of their clients, which may be a factor contributing to the increase in cases with stipulated dismissal dispositions in the months following the implementation of EFM. Additionally, Stout received qualitative feedback from Legal Aid Society of Milwaukee, Legal Action, and rental property owners in Milwaukee regarding a new Small Claims judge hearing evictions who has been entering stipulated dismissal dispositions more frequently.

An analysis completed by the Interagency Council on Homelessness at the State of Wisconsin Department of Administration (the Interagency Council on Homelessness) found the percentage of eviction filings relative to eviction judgments (i.e., judgment for possession or money) decreased by approximately 93% in Milwaukee County from 2019 to 2022 (from 10.1% to 0.7%). During the same period, the percentage of eviction filings relative to eviction judgments decreased only approximately 40% stateside (excluding Milwaukee County) from 21.1% to 12.7%. While emergency rental assistance was available statewide, only Milwaukee County has a right to counsel program for tenants. This calculation considers eviction judgments relative to (i.e., as a percentage of) the number of eviction filings. That is, the decrease in the number of filings in 2020 and 2021 does not impact the calculation since the eviction judgments are presented as a percentage of filings.

There were 1,320 eviction judgments (i.e., judgment for possession or money) in Milwaukee County in 2019.<sup>43</sup> The 1,320 eviction judgments equate to approximately 10% of eviction filings in Milwaukee County having eviction judgments. With the implementation of EFM, in 2021 there were 193 eviction judgments in Milwaukee County (approximately 2% of eviction filings having eviction judgments)<sup>44</sup>, and in 2022 (through August) there were 62 eviction judgments in Milwaukee County, which is less than 1% of eviction filings having eviction judgments.<sup>45</sup> The Interagency Council on Homelessness indicated Milwaukee County was the only county where this magnitude of decrease in eviction judgments was observed.<sup>46</sup>

### *Estimated EFM Eligible Tenant Representation Rate*

Stout used data provided by Legal Aid Society of Milwaukee, the number of eviction filings in each Milwaukee County zip code in 2022, and publicly available research/data to develop an

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<sup>43</sup> <https://doa.wi.gov/Documents/2019-full-year.pdf>

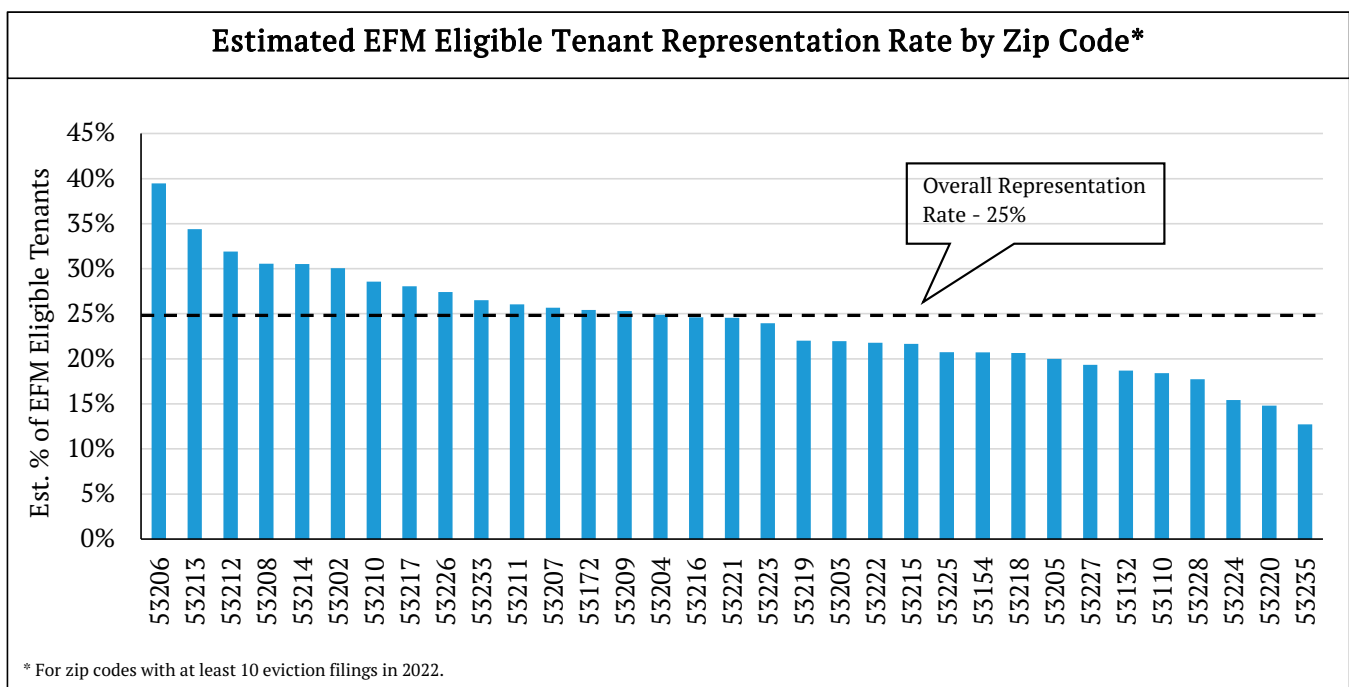
<sup>44</sup> <https://doa.wi.gov/Documents/2021-full-year-FINAL.pdf>

<sup>45</sup> <https://doa.wi.gov/Documents/2022-full-year-august.pdf>

<sup>46</sup> Additional information can be found at <https://doa.wi.gov/Pages/Wisconsin-Eviction-Data-Project.aspx>

estimate of the percentage of EFM eligible tenants who were represented by EFM attorneys. This estimate provides insights as to the percentage of all EFM eligible residents represented in 2022 in each zip code.<sup>47</sup> Data from CCAP for eviction filings does not include information regarding household income. Therefore, the number and percentage of households that may be eligible for representation through EFM must be estimated.

Figure 15 shows the estimated representation rate of likely EFM eligible households in each Milwaukee County zip code. In zip code 53206, an estimated 39% of likely EFM eligible households were represented by an EFM attorney. This zip code is a well-known zip code in terms of need and community awareness of resources. The overall estimated representation rate of likely EFM eligible households across all Milwaukee County zip codes was 25% in 2022.



**Figure 15 – Estimated Eligible Tenant Representation Rate by Zip Code in 2022**

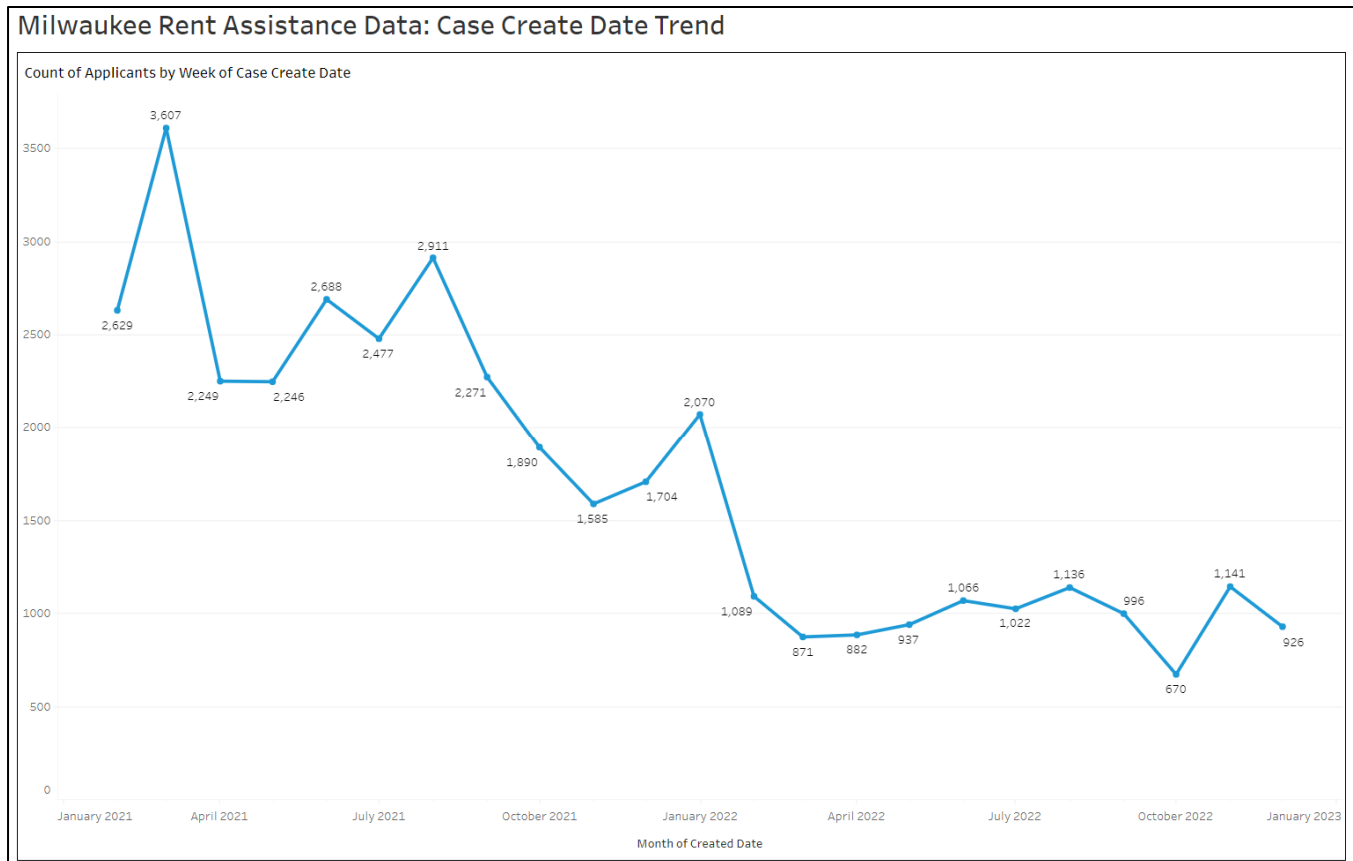
### *Analysis of Emergency Rental Assistance Data*

In Milwaukee County, there are 2 emergency rental assistance administrators: Social Development Commission and Community Advocates. Stout began receiving monthly data from Community Advocates in February 2021 and has created several dashboards to analyze the emergency rental assistance application data from Community Advocates.

<sup>47</sup> The estimated representation rate is understated. The estimate does not include the number of tenants who are eligible for EFM but opt for private representation.

### Application Trends and Amounts of Back Rent Applicants Were Seeking

From February 1, 2021 through December 31, 2022, Community Advocates processed more than 46,000 applications for emergency rental assistance. Figure 16 shows the number of applications processed by month.



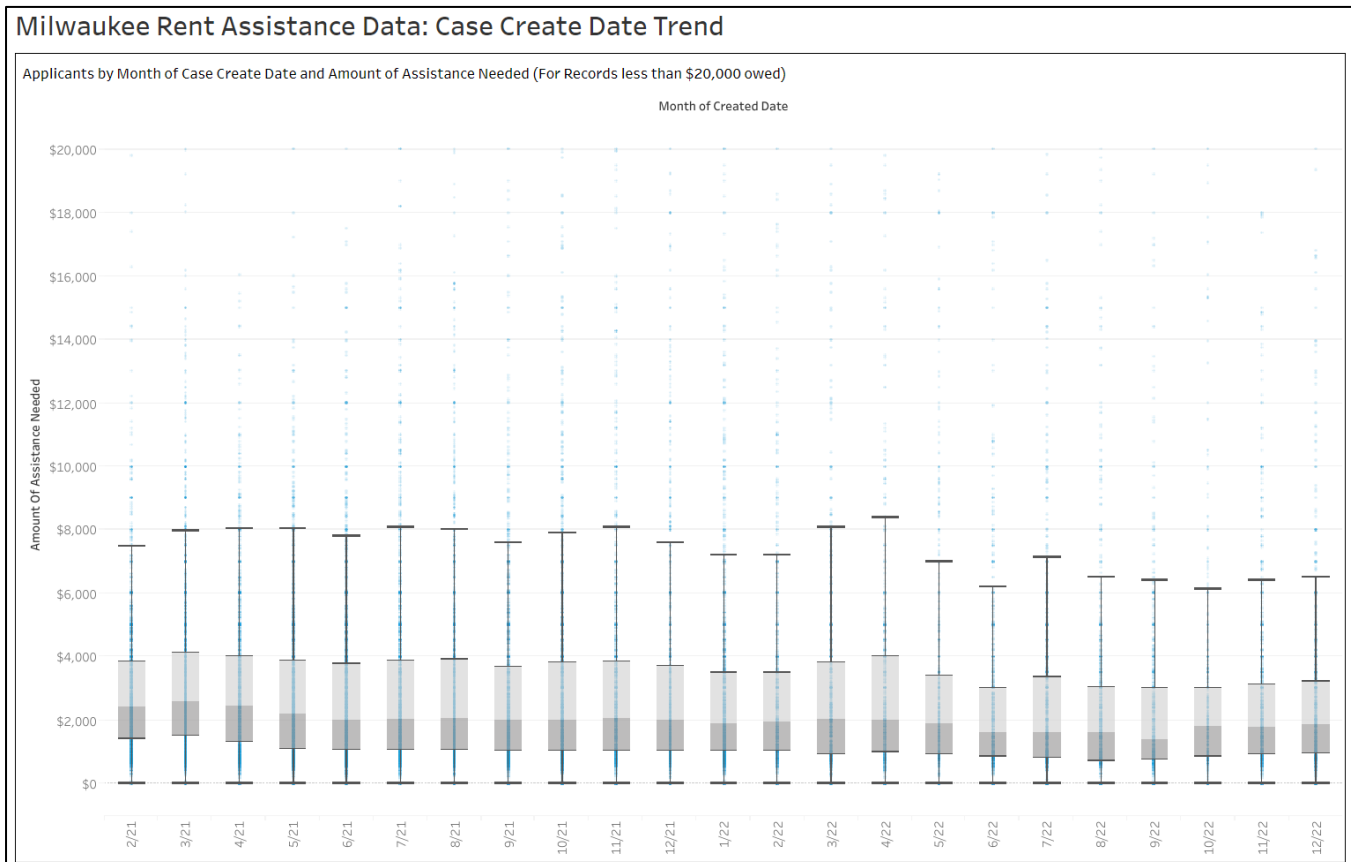
**Figure 16 – Community Advocates Emergency Rental Assistance Applications by Month**

Of the more than 46,000 applications for emergency rental assistance from February 1, 2021 through December 31, 2022, Community Advocates approved approximately 15%, declined approximately 23%, and have approximately 62% with pending/not specified status.

The box and whisker chart shown in Figure 17 illustrates the amount of rent owed by applicants to Community Advocates for each month.<sup>48</sup> Box and whisker charts show distributions. The dark grey box indicates the first quartile (25<sup>th</sup> percentile) of data, and the light grey box indicates the third quartile (75<sup>th</sup> percentile) of data. The line separating the boxes indicates the median of the

<sup>48</sup> This chart only shows emergency rental assistance applications with amounts owed of \$20,000 or less. Stout excludes applications for emergency rental assistance with amounts greater than \$20,000 to eliminate the influence of outliers and possible data entry issues.

data, and the lower whisker (line) and upper whisker show all data points within 1.5 times the interquartile range (i.e., first quartile to third quartile).



**Figure 17 – Monthly Trends of Amounts Owed by Emergency Rental Assistance Applicants**

The median amount of rent owed by applicants from February 2021 through April 2021 remained relatively consistent at approximately \$2,500. From May 2021 through May 2022, the median amount of rent owed by applicants was approximately \$2,000, and from June 2022 through December 2022, the median amount of rent owed by applicants was approximately \$1,600.

From October 2021 through February 2022, there was a consistent decrease in the upper whisker (i.e., the highest observation within the interquartile range). In October 2021, the upper whisker was approximately \$8,000 of back rent owed, and in February 2022, the upper whisker was approximately \$7,200 of back rent owed – a decrease of 10%. Between April 2022 and December 2022, the upper whisker amount decreased from \$8,400 to \$6,500 – a decrease of approximately 23%. The trends Stout observed related to the amounts of back rent emergency rental assistance applicants are seeking indicate there is still a need for emergency rental assistance, but the amounts applicants are seeking is decreasing. Stout learned that potential reasons for applicants seeking less emergency rental assistance could be the waning impact of the height



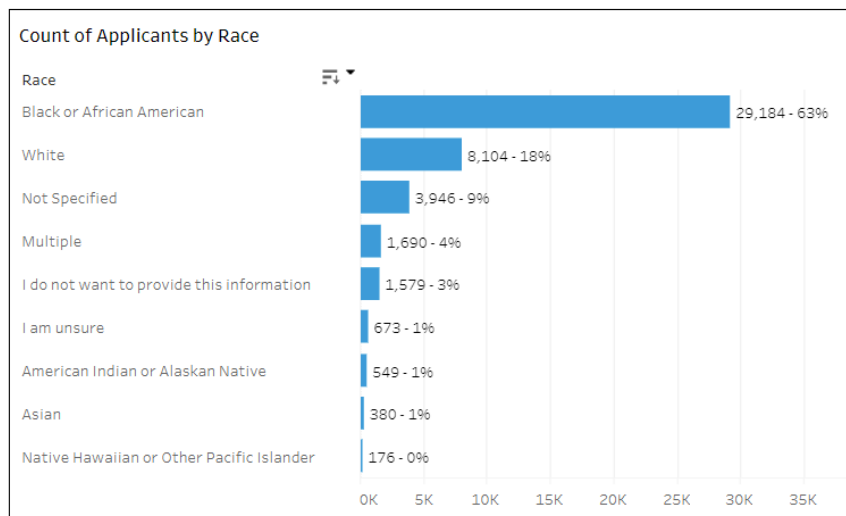
of the pandemic when there were significant amounts of rental arrears or because they are approaching having received the maximum amount of emergency rental assistance.

### Applicant Characteristics

Like households experiencing eviction filings in Milwaukee, emergency rental assistance applicants were disproportionately Black or African American and female. Approximately 63% of applicants were Black or African American compared to Milwaukee County’s overall population being approximately 28% Black or African American.<sup>49</sup> The remaining applicants were:

- 18% White (compared to approximately 63% of Milwaukee County’s overall population)<sup>50</sup>
- 13% of applicants did not specify their race, did not want to provide this information, or were unsure of their race
- 4% multi-racial
- 1% American Indian or Alaskan Native
- 1% Asian

Approximately 68% of emergency rental assistance applicants were female compared to approximately 51% of Milwaukee County’s overall population.<sup>51</sup> The remaining applicants were 23% male, 8% did not specify their gender, and 1% were transgendered, other genders, or were unsure of their gender. These metrics are shown in Figures 18 and 19.

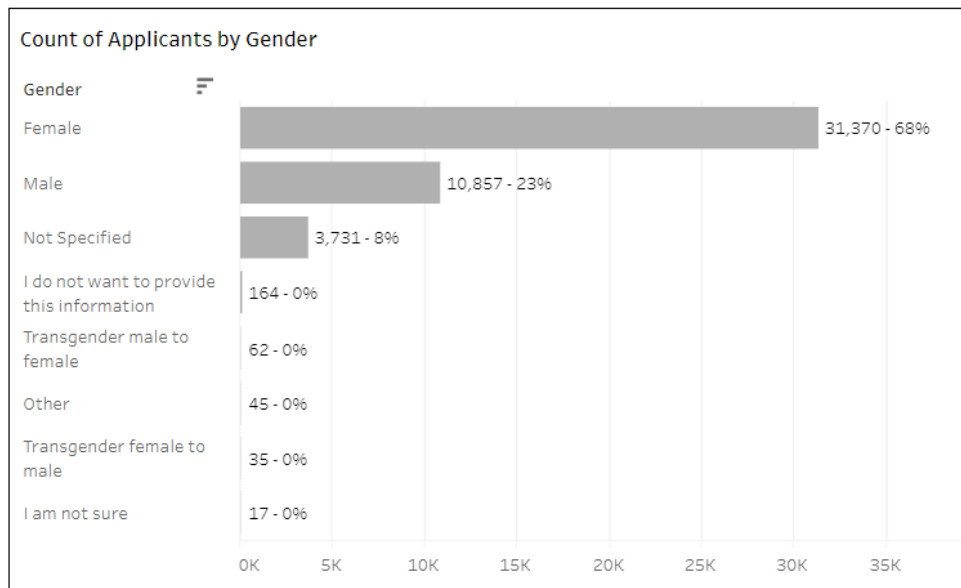


**Figure 18 – Emergency Rental Assistance Applicants by Race**

<sup>49</sup> <https://www.census.gov/quickfacts/milwaukeecountywisconsin>

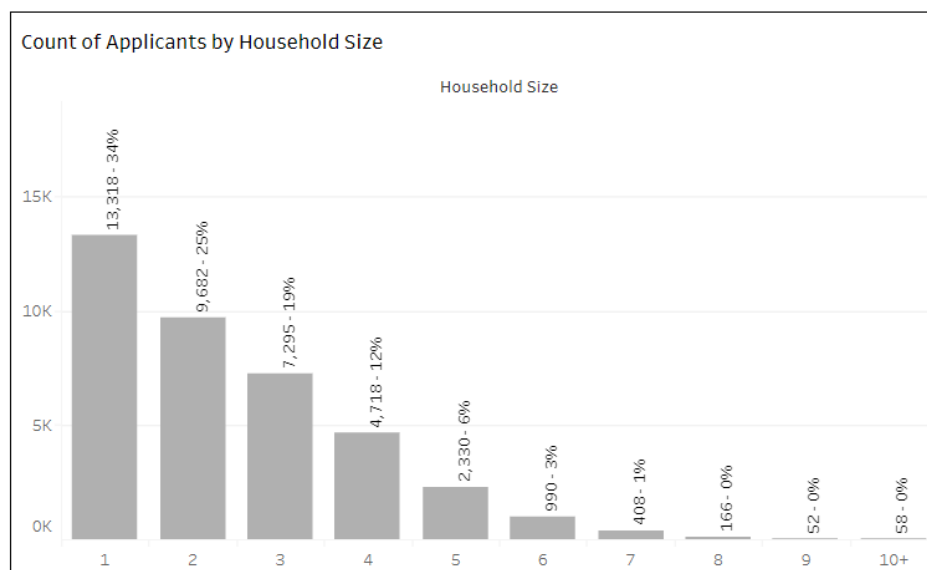
<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

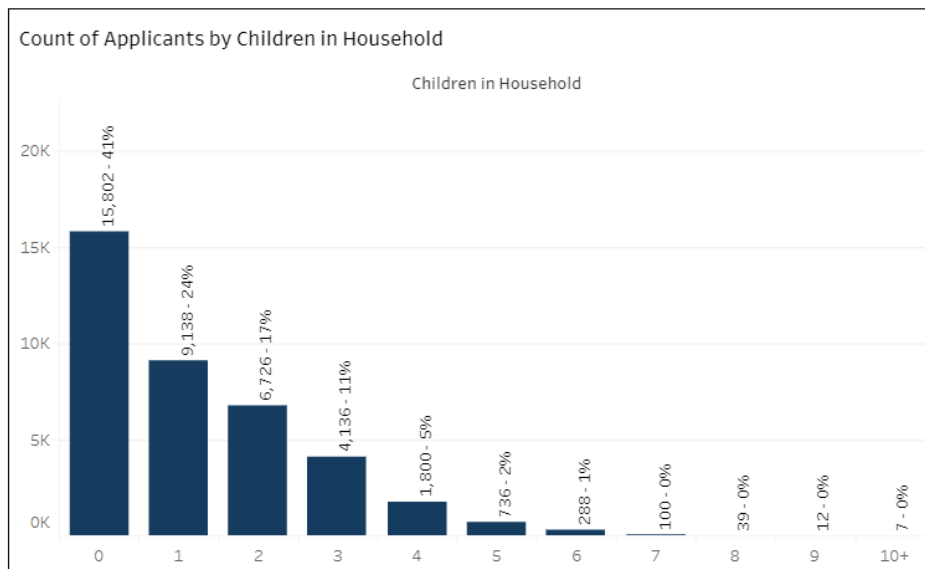


**Figure 19 – Emergency Rental Assistance Applicants by Gender**

The household sizes of emergency rental assistance applicants were similar to the household sizes of EFM clients. Of the emergency rental assistance applicants who indicated their household size, approximately 66% of emergency rental assistance applicants had more than 1 person in the household. Figure 20 shows emergency rental assistance applicants by household size, and Figure 21 shows emergency rental assistance applicants by the number of children in the household.



**Figure 20 – Emergency Rental Assistance Applicants’ Household Size**



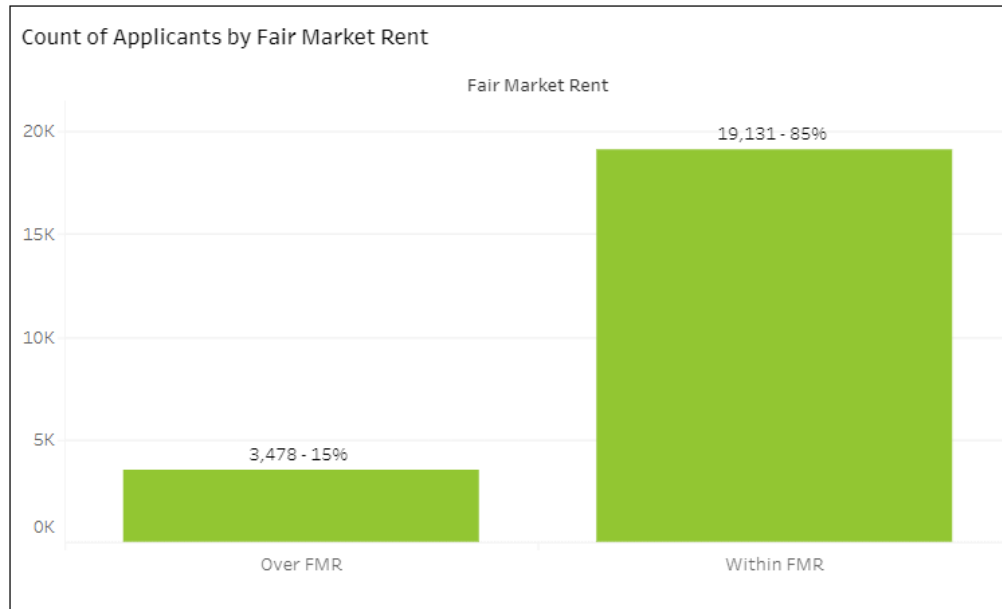
**Figure 21 – Presence of Children in Emergency Rental Assistance Applicants’ Household**

The distribution of the number of people per emergency rental assistance applicant household is consistent with the number of people per EFM client household. However, approximately 59% of emergency rental assistance applicant households had at least 1 child compared to approximately 71% of EFM client households.

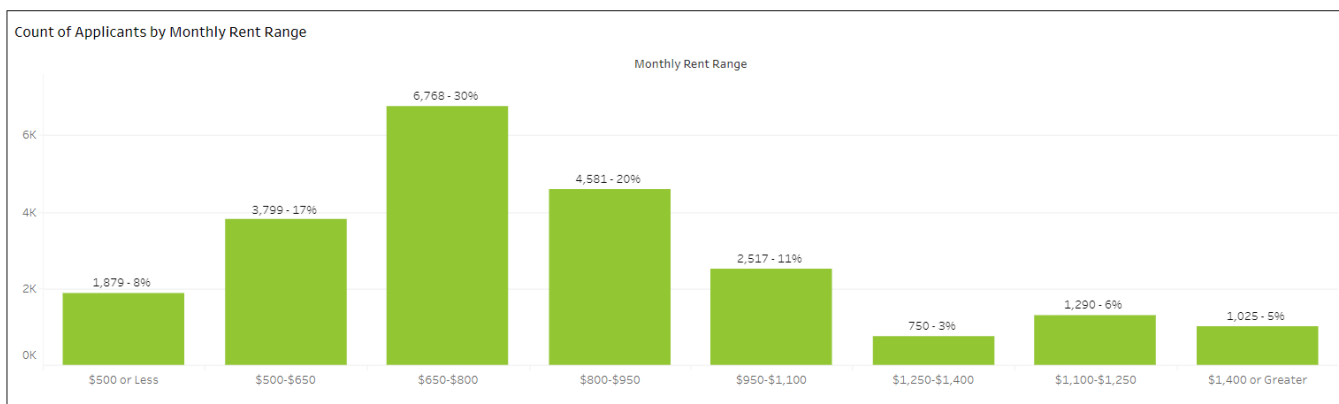
Community Advocates collected several data points related to applicants’ household income and ongoing rent amounts. Community Advocates collected monthly income amounts from applicants, and Stout converted the monthly income amounts into annual income estimates. For applicants indicating their monthly household income:

- 63% had monthly incomes of \$500 or less (approximately \$6,000 or less annually)
- 2% had monthly incomes of \$500-\$650 (approximately \$6,000-\$7,800 annually)
- 5% had monthly incomes of \$650-\$800 (approximately \$7,800-\$9,600 annually)
- 4% had monthly incomes of \$800-\$950 (approximately \$9,600-\$11,400 annually)
- 4% had monthly incomes of \$950-\$1,100 (approximately \$11,400-\$13,200 annually)
- 3% had monthly incomes of \$1,100-\$1,250 (approximately \$13,200-\$15,000 annually)
- 2% had monthly incomes of \$1,250-\$1,400 (approximately \$15,000-\$16,800 annually)
- 17% had monthly incomes of \$1,400 or more (approximately \$16,800 or more annually).

Of the applicants who specified their ongoing rent amount, approximately 85% had fair market rents, and approximately 15% were paying more than fair market rent, and approximately 50% were paying \$650-\$950 per month in rent.<sup>52</sup> Figures 22 and 23 show these metrics.



**Figure 22 – Emergency Rental Assistance Applicants by Fair Market Rent**

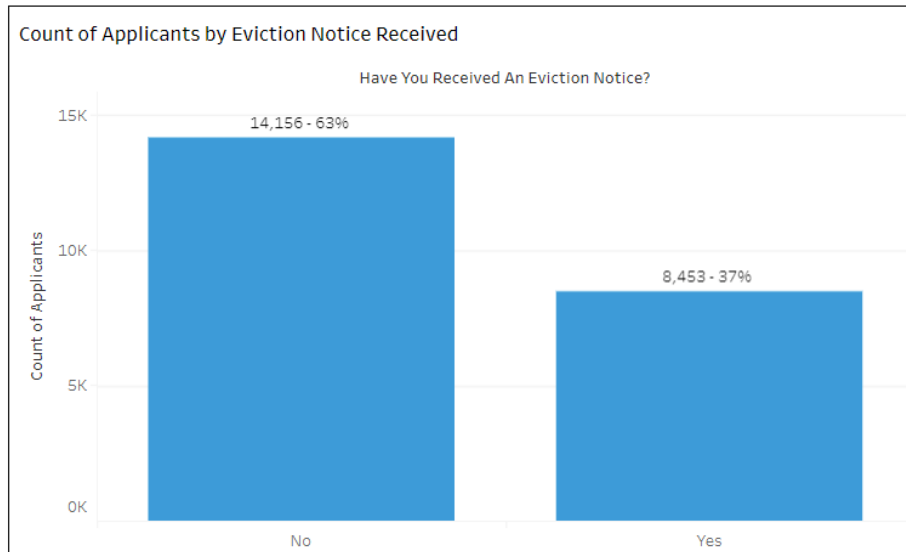


**Figure 23 – Monthly Rent of Emergency Rental Assistance Applicants**

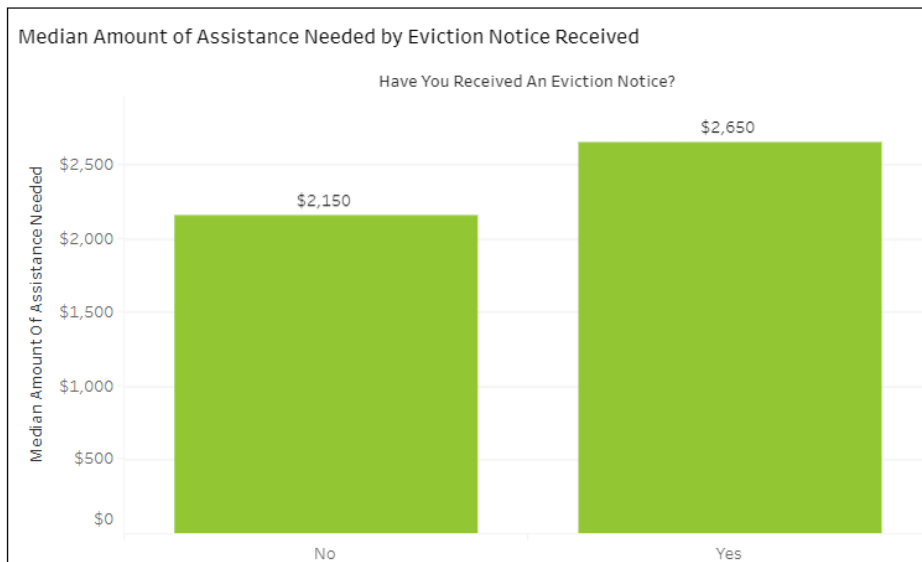
Of the applicants who specified whether they received an eviction notice, approximately 37% had received an eviction notice and approximately 63% had not, demonstrating the role that emergency rental assistance can have in preventing eviction filings. Applicants indicating they had received an eviction notice needed higher median amounts of emergency rental assistance

<sup>52</sup> The U.S. Department of Housing and Urban Development defines fair market rent as “the cost to rent a moderately-priced dwelling unit in the local housing market.” See [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/hcv/landlord/fmr](https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/landlord/fmr)

(approximately \$2,650) than applicants who had not received an eviction notice (approximately \$2,150). Figures 24 and 25 show these metrics.



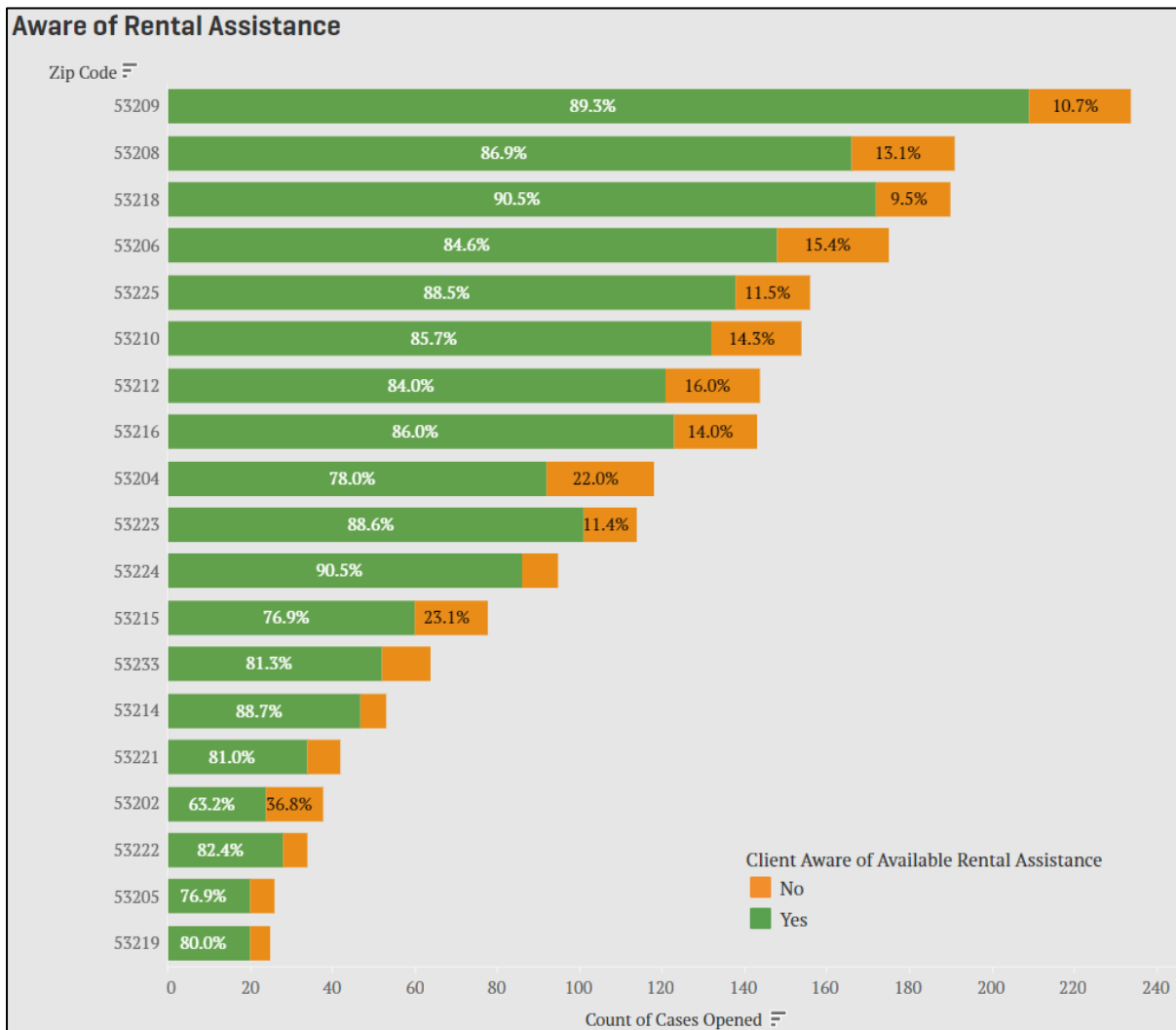
**Figure 24 – Applicants by Eviction Notice Received**



**Figure 25 – Amount of Emergency Rental Assistance by Eviction Notice Received**

Approximately 85% of EFM clients indicated during their intake interview that they were aware that emergency rental assistance is available of which approximately 82% had already applied for emergency rental assistance before seeking assistance from EFM attorneys. Figure 26 shows

emergency rental assistance awareness by zip code for EFM clients who responded to the interview question regarding awareness of emergency rental assistance.



**Figure 26 – Awareness of Emergency Rental Assistance by Zip Code**

***EFM Client Goals and Goals Achieved***

The Legal Aid Society of Milwaukee staff record client goal(s) for their cases during the client intake interview. Generally, only EFM clients who receive full representation complete the intake interview process and have stated goals for their case. There are 13 different goals clients can indicate. The 5 most common goals are listed below along with the frequency of the goal being achieved, the number of clients with the goal, and the percent of clients with that goal.<sup>53</sup>

<sup>53</sup> Metrics included in this section are for The Legal Aid Society of Milwaukee EFM cases only.

Client Goal	Frequency Goal Was Achieved	# of EFM Clients with Goal <sup>54</sup>	% of EFM Clients with Goal <sup>55</sup>
Prevent eviction judgment	76%	481	62%
Seal eviction record	72%	382	49%
Prevent involuntary move <sup>56</sup>	70%	362	47%
Secure rent assistance	47%	225	29%
Secure additional time to move	42%	153	20%

The table below shows the frequency of goals achieved and goals by jurisdiction where Stout is evaluating EFM and eviction right to counsel programs (Cleveland and Connecticut).

Client Goal	Frequency Goal Was Achieved			% of Clients with Goal		
	MKE	CLE	CT	MKE	CLE	CT
Prevent eviction judgment*	76%	79%*	76%	62%	88%*	80%
Seal eviction record	72%	81%	N/A	49%	4%	N/A
Prevent involuntary move*	70%	79%*	71%	47%	88%*	82%
Secure rent assistance	47%	78%	N/A	29%	36%	N/A
Secure additional time to move	42%	88%	71%	20%	29%	51%

\*The goals of Prevent eviction judgment and Prevent involuntary move are combined in CLE. The frequency of this goal and % of clients with this goal is repeated for both goals separately in this table.

EFM clients often have more than one goal for their case. For example, they may want to prevent an eviction judgment as well as secure rent assistance. Between January 1 and December 31, 2022, the proportion of closed cases by the number of goals was:

Number of Goals	Percentage of Cases
1	3%
2	13%
3	32%
4	33%

<sup>54</sup> Clients can have more than 1 goal for their case.

<sup>55</sup> Total will be greater than 100% because clients can have more than 1 goal for their case.

<sup>56</sup> The goal “prevent involuntary move” is not synonymous with the client staying in their home. It is possible that EFM attorneys prevented an eviction judgment or involuntary move and the client was unable to remain in their home. In these instances, EFM attorneys’ representation can prevent an involuntary move by minimizing the disruption of moving on an expedited timeline, a Sheriff’s execution of a writ, and a personal property being moved curbside, which occurs frequently when tenants are unrepresented. Stout is working with Legal Aid Society of Milwaukee and Legal Action throughout 2023 to assess how frequently clients are remaining in their home.

5	15%
6 or more	4%

Of EFM cases closed between September 1, 2021 and December 31, 2022, approximately 97% of clients had multiple goals for their case. The 5 most common combination of client goals were:

- Prevent eviction judgment, prevent involuntary move, seal eviction record
- Prevent eviction judgment, prevent involuntary move, seal eviction record, and secure rent assistance
- Prevent eviction judgment, prevent involuntary move, seal eviction record, and secure 30 days or more to move
- Prevent eviction judgment, prevent involuntary move, seal eviction record, and prevent eviction filing
- Prevent eviction judgment, prevent involuntary move, and secure rent assistance.

### *Goals and Goals Achieved by Federal Poverty Level*

Analyzing EFM client goals achieved by household incomes relative to the federal poverty level (FPL) provides insights about how clients’ goals and whether they are achieved may differ based on FPL. Households with incomes at or below 200% of the FPL (or \$55,500 for a household of 4) are eligible for EFM. Approximately 62% of EFM clients with cases closed between September 1, 2021 and December 31, 2022 had household incomes of 0%-100% of the FPL, approximately 14% had household incomes of 100.1%-125% of the FPL, and approximately 24% had household incomes of more than 125% of the FPL.

The table below shows client goals, the frequency of the goal being achieved, the number of clients with the goal, and the percent of clients with that goal by FPL for EFM cases closed between September 1, 2021 and December 31, 2022.



Clients with Household Incomes of 0%-100% of FPL			
Client Goal	Frequency Goal Was Achieved	# of EFM Clients with Goal <sup>57</sup>	% of EFM Clients with Goal <sup>58</sup>
Prevent eviction judgment	77%	291	60%
Seal eviction record	73%	223	46%
Prevent involuntary move	70%	211	44%
Secure rent assistance	46%	138	29%
Secure additional time to move	42%	97	20%
Clients with Household Incomes of 100.1%-200% of FPL			
Client Goal	Frequency Goal Was Achieved	# of EFM Clients with Goal <sup>59</sup>	% of EFM Clients with Goal <sup>60</sup>
Prevent eviction judgment	75%	137	65%
Seal eviction record	69%	117	55%
Prevent involuntary move	70%	110	52%
Secure rent assistance	47%	53	27%
Secure additional time to move	41%	39	19%

### *Goals and Goals Achieved by Presence of Children in Household*

Approximately 71% of EFM client households had at least 1 child in the home. Of EFM client households with at least 1 child in the home, the average number of children in the household was 2. The impact of housing instability on children’s physical and mental health, education, and social well-being has been thoroughly researched and documented. Understanding how EFM is assisting households with children can be helpful in evaluating impact.

Legal Aid Society of Milwaukee was able to prevent an involuntary move and seal eviction records more frequently for EFM households with children compared to those without children. The table below shows client goals, the frequency of the goal being achieved, the number of clients with the goal, and the percent of clients with that goal by the presence of children in the household for EFM cases closed between September 1, 2021 and December 31, 2022.

<sup>57</sup> Clients can have more than 1 goal for their case.

<sup>58</sup> Total will be greater than 100% because clients can have more than 1 goal for their case.

<sup>59</sup> Clients can have more than 1 goal for their case.

<sup>60</sup> Total will be greater than 100% because clients can have more than 1 goal for their case.

Clients without Children in the Household			
Client Goal	Frequency Goal Was Achieved	# of EFM Clients with Goal <sup>61</sup>	% of EFM Clients with Goal <sup>62</sup>
Prevent eviction judgment	77%	105	58%
Seal eviction record	69%	80	44%
Prevent involuntary move	65%	86	47%
Secure rent assistance	50%	48	26%
Secure additional time to move	46%	37	20%
Clients with At Least 1 Child in the Household			
Client Goal	Frequency Goal Was Achieved	# of EFM Clients with Goal <sup>63</sup>	% of EFM Clients with Goal <sup>64</sup>
Prevent eviction judgment	78%	272	61%
Seal eviction record	74%	223	50%
Prevent involuntary move	73%	197	44%
Secure rent assistance	47%	133	30%
Secure additional time to move	37%	176	17%

### *Reasons Why Goals May Not Be Achieved*

Stout learned from Legal Aid Society of Milwaukee that there are certain circumstances where they are unable to achieve a client’s goals. These circumstances include but are not limited to:

- The current rental housing market has limited availability for clients who want or need to move. Legal Aid Society of Milwaukee attorneys described situations where a client wants to move or needs to move because of the eviction proceeding but cannot secure alternative housing. Even when EFM achieves a client’s goal of securing 30 days or more to move, it is challenging for the client to identify, secure, and move into a new rental unit.
- There are cases where the only issue appears to be non-payment of rent (i.e., there are no other substantive legal issues, defenses, or counterclaims to raise), and the resolution should be straightforward. During the case, though, it becomes apparent

<sup>61</sup> Clients can have more than 1 goal for their case.

<sup>62</sup> Total will be greater than 100% because clients can have more than 1 goal for their case.

<sup>63</sup> Clients can have more than 1 goal for their case.

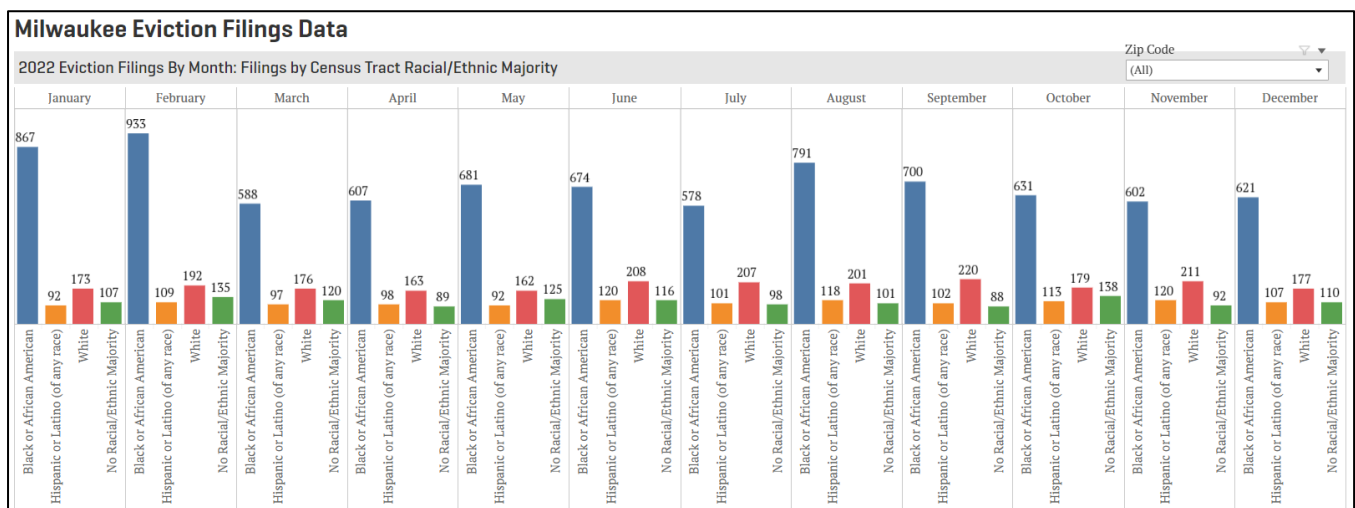
<sup>64</sup> Total will be greater than 100% because clients can have more than 1 goal for their case.

that the relationship between the tenant and the rental property owner has deteriorated in such a way that achieving the client's goals may not be possible.

- Legal Aid Society of Milwaukee may need to withdraw from a case. For example, clients may become unresponsive, decide to represent themselves, or terminate their relationship with Legal Aid Society of Milwaukee. In these situations, the attorney will withdraw from the case, and the goals that they had discussed with clients at the beginning of the case will not be achieved.

## *Intersection of Eviction with Race, Ethnicity, and Gender*

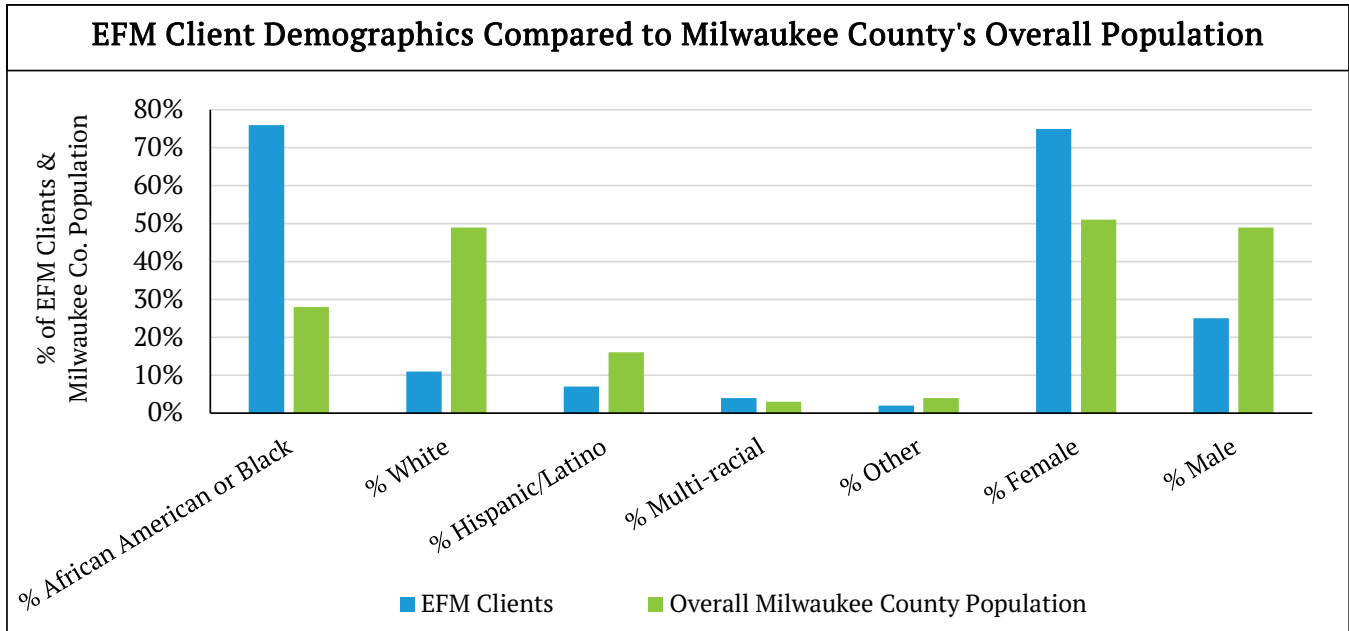
In 2022, eviction filings in Milwaukee County were concentrated in census tracts with majority African American or Black residents. Approximately 63% of eviction filings in Milwaukee County were in census tracts with majority African American or Black residents compared to approximately 17% in majority White census tracts, approximately 10% in census tracts without a racial or ethnic majority, and approximately 10% in majority Hispanic or Latino census tracts. This analysis aggregates eviction filings based on racial/ethnicity majority census tracts and not the demographics of the households experiencing the eviction filings. That is, for example, eviction filings in majority African American or Black census tracts does not imply evictions were filed exclusively against African American or Black households.



**Figure 27 – 2022 Monthly Eviction Filings by Census Tract Racial/Ethnic Majority**

Figure 27 shows the number of monthly eviction filings in Milwaukee County for each census tract by racial/ethnic majority. The blue bars show the number of eviction filings in census tracts where the population was majority Black or African American, the orange bars show the number of eviction filings in census tracts where the population was majority Hispanic or Latino, the green bars show the number of eviction filings in census tracts where there was not a racial/ethnic majority, and the red bars show the number of eviction filings in census tracts where the population was majority White.

Figure 28 shows race, ethnicity, and gender statistics for EFM clients compared to Milwaukee County’s overall population. EFM clients are disproportionately African American or Black and female compared to Milwaukee County’s overall population.



**Figure 28 – EFM Client Demographics Compared to Milwaukee County’s Overall Population**

Stout analyzed combinations of interview questions to develop a deeper understanding of how EFM client experiences and circumstances may differ based on race, ethnicity, and gender. These analyses focused on the presence of defective conditions and paying rent late in the past.

Stout analyzed the intersection of race, ethnicity, and gender with the presence of defective conditions at EFM clients’ homes. Approximately 63% of female EFM clients indicated there were defective conditions in their homes compared to 58% of male EFM clients. EFM clients who identified as Hispanic/Latino disproportionately indicated their homes had defective conditions (73%) compared to non-Hispanic/Latino EFM clients (61%).

Approximately 70% of female EFM clients indicated they paid rent late in the past compared to approximately 62% of male EFM clients. Similar metrics were observed between Black or African American EFM clients indicating they paid rent late in the past (approximately 70%) compared to White EFM clients (approximately 63%). Approximately 71% of Black or African American female EFM clients indicated they paid rent late in the past compared to approximately 65% of Black or African American male EFM clients and 58% of White male EFM clients.

In addition to the disparate filing of evictions in majority Black or African American census tracts in Milwaukee County, Black or African American Wisconsinites are nearly 11 times as likely as White, non-Hispanic Wisconsinites to experience homelessness, and multi-racial

Wisconsinites and American Indians living in Wisconsin are approximately 6 times as likely to experience homelessness.<sup>65</sup> Wisconsin's population is approximately 83% White, but White residents comprise less than 50% of people receiving homelessness services in Wisconsin.<sup>66</sup>

### ***Preliminary Findings from EFM Client Interviews***

Milwaukee residents facing eviction can seek legal representation by calling the EFM intake specialists or completing an online intake form. The intake specialists review the applications, screen for eligibility, and complete a conflict check. If a client is eligible for EFM, they meet with a paralegal who conducts an intake interview before the client meets with an attorney.

The intake interview provides the opportunity to understand clients' experiences more deeply. In particular, that includes structured data that informs refinements to EFM and identifies opportunities for the legal providers and the rental property owner community to collaborate for change to Milwaukee's eviction ecosystem.<sup>67</sup>

Stout analyzed the results of key interview questions and organized them below by category: (1) household demographics and characteristics; (2) employment; (3) housing type, tenure, and lease term; (4) past rent payments and ability to pay back rent owed; (5) presence of defective conditions; and (6) notice type and clients' understanding of notice.

### ***Household Demographics and Characteristics***

Approximately 75% of clients identified as female and approximately 25% as male (Figure 29). Approximately 83% of EFM clients identified as non-White (i.e., African American or Black, Hispanic/Latino, American Indian or Alaskan Native, Asian, Hawaiian/Pacific Islander, or Other), approximately 12% of EFM clients identified as White, and approximately 4% identified as multi-racial (Figure 30). Approximately 98% of EFM clients indicated English was their primary language, and 2% indicated Spanish was their primary language. The gender and race/ethnicity metrics for EFM clients is similar to eviction right to counsel clients in Cleveland and Connecticut.<sup>68</sup>

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<sup>65</sup> "2021-2023 Welcoming Wisconsin Home: A Statewide Action Plan for Homelessness." State of Wisconsin Interagency Council on Homelessness. December 2021.

<sup>66</sup> Ibid.

<sup>67</sup> Client circumstances and case characteristics often vary. Because of this variation, not all interview questions are applicable to all EFM clients and therefore are not asked of all clients. While the goal is to ask all EFM clients all questions applicable to their circumstance and case, the legal aid providers exercise discretion during the interview process. There may be interview questions not asked based on a client's lived experiences, comfort level with certain topics, and traumatic experiences.

<sup>68</sup> Household Demographics and Characteristics metrics include data for EFM clients assisted by Legal Aid Society of Milwaukee and Legal Action.

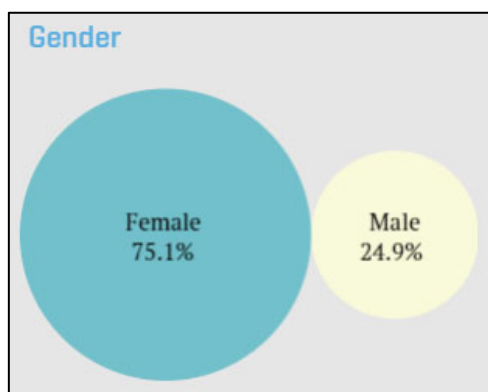


Figure 29 – EFM Client Gender

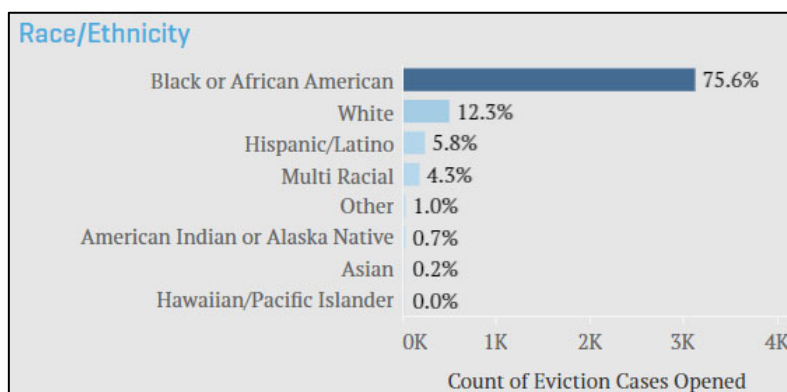


Figure 30 – EFM Client Race/Ethnicity

Approximately 34% of EFM clients were between 35 and 49 years old, approximately 32% were 25-34 years old, approximately 20% were 50-64 years old, and approximately 10% and 5% were 18-24 years old and 65 years old or older, respectively. Female EFM clients are generally younger than male EFM clients. Approximately 31% of male EFM clients are 50-64 years old compared to 17% of female EFM clients, and approximately 35% of female EFM clients are 25-34 years old compared to approximately 23% of male EFM clients. Figure 31 shows the age distribution of all EFM clients.

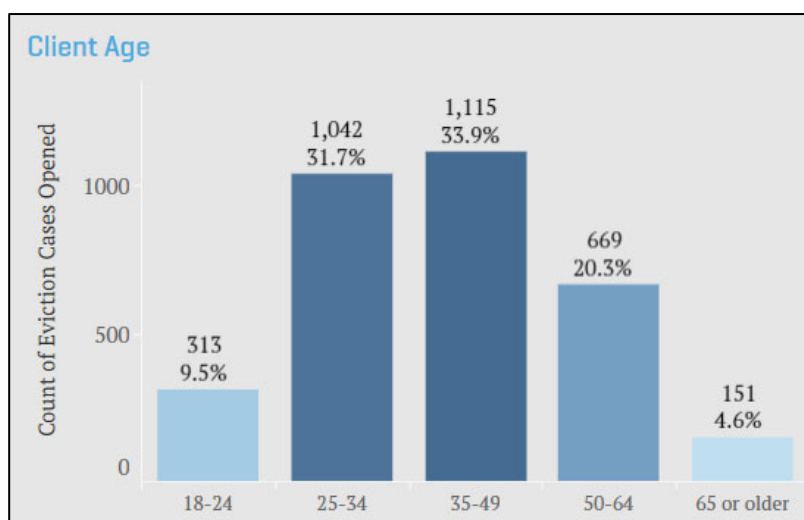
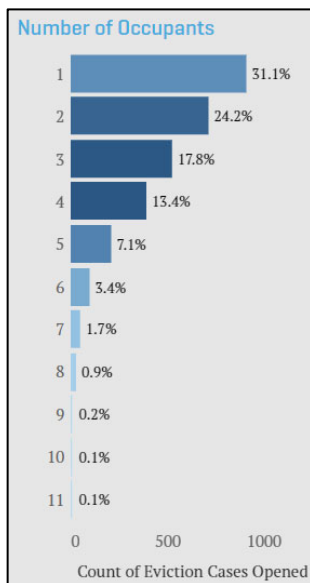


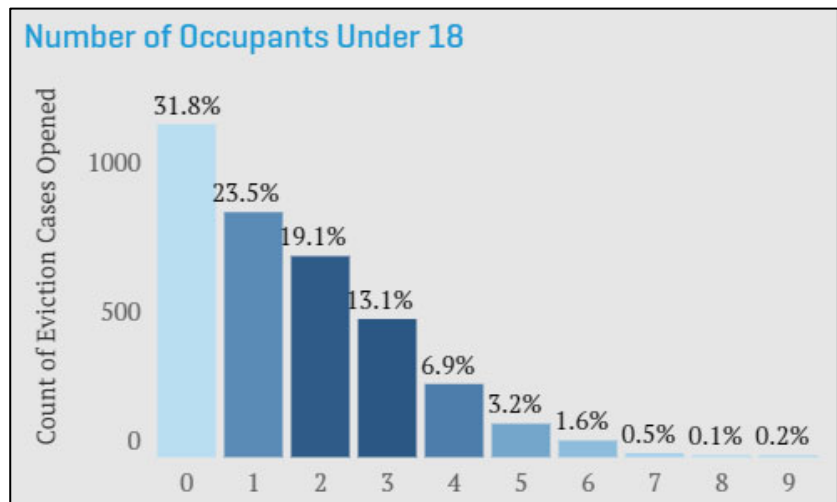
Figure 31 – EFM Client Age

Figure 32 shows the distribution of EFM clients by the number of people in their household. Approximately 31% of EFM households had 1 person, and approximately 69% had more than 1 person. Male EFM clients were more likely to be the only person in their household compared to female EFM clients. Approximately 54% of male EFM clients were the only person in their household compared to approximately 23% of female EFM clients.

The number of children per EFM client household ranged from 0 to 9, and the average number of children per EFM client household was 2. Approximately 32% of EFM client households did not have any children, and of the 68% that had at least 1 child, approximately 82% had 1-3 children. Figure 33 shows the number of children per EFM client household. Approximately 44% of male EFM clients had at least 1 child in their household compared to approximately 75% of female EFM clients.



**Figure 32 – EFM Client Household Size**

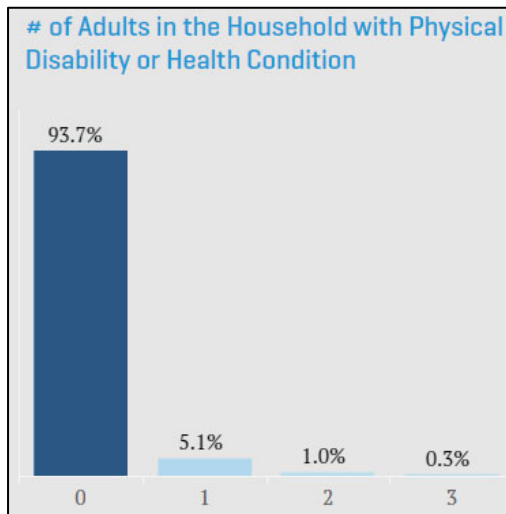


**Figure 33 – Number of Children in EFM Client Households**

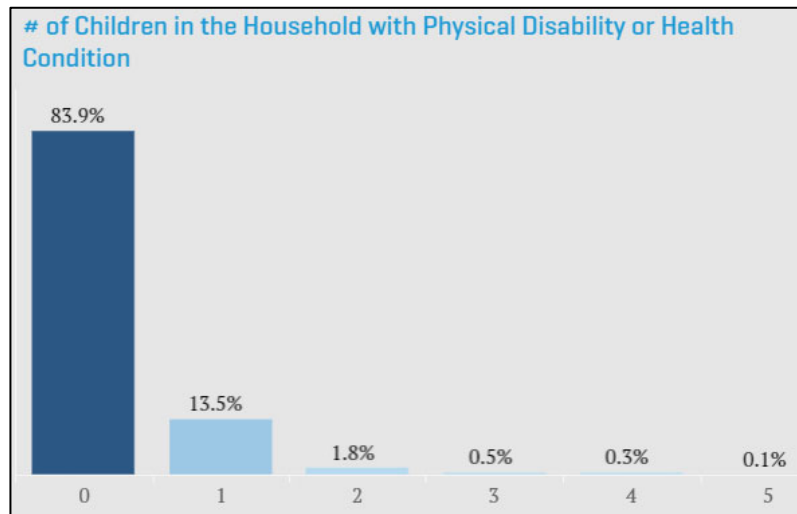
Approximately 6% of EFM client households indicated at least 1 adult in their household had a physical disability or health condition, and approximately 16% indicated at least 1 child in their household had a physical disability or health condition. Approximately 11% of EFM client households indicated at least 1 adult in their household had an intellectual or developmental disability, and approximately 18% indicated at least 1 child in their household had an intellectual or developmental disability. Figures 34-37 shows these metrics.<sup>69</sup>

<sup>69</sup> Metrics in Figures 34-37 are for The Legal Aid Society of Milwaukee EFM cases only.

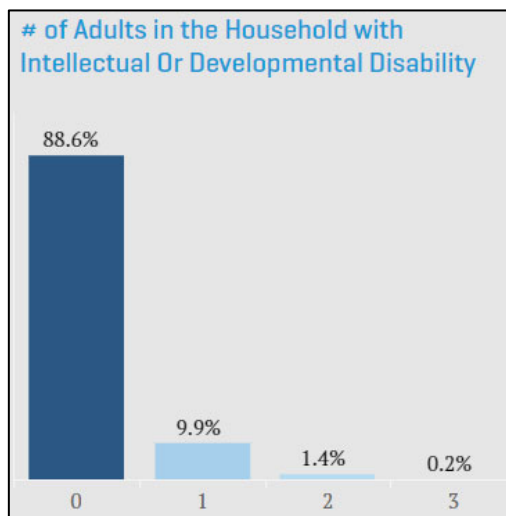




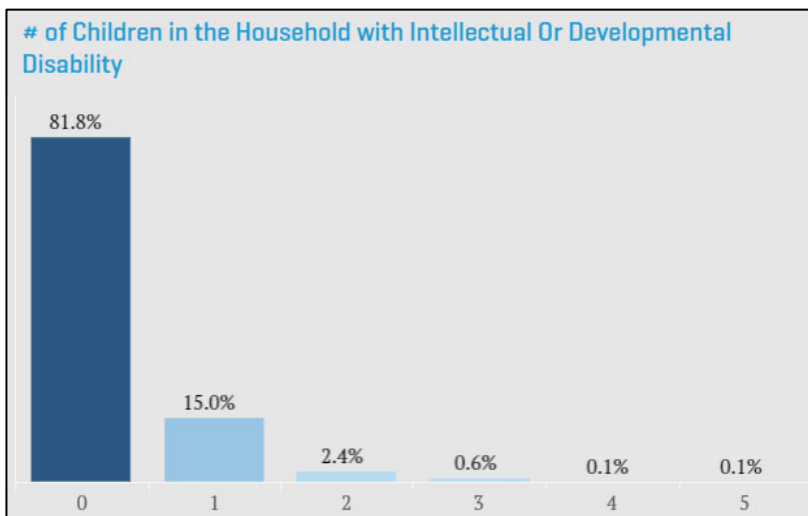
**Figure 34 – Adults with Physical Disability in EFM Client Households**



**Figure 35 – Children with Physical Disability in EFM Client Households**



**Figure 36 - Adults with Intellectual Disability in EFM Client Households**



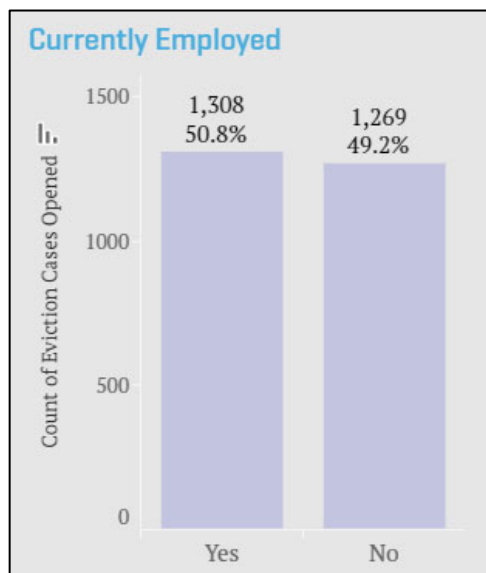
**Figure 37 - Children with Intellectual Disability in EFM Client Households**

An estimated 13% of Milwaukee County residents have a disability, which is consistent with the frequency of EFM clients indicating someone in their household has a disability (adult or child).<sup>70</sup> In contrast, in Connecticut, approximately 42% of clients answering interview questions about disabilities indicated at least 1 person in their household had a mental or physical disability.

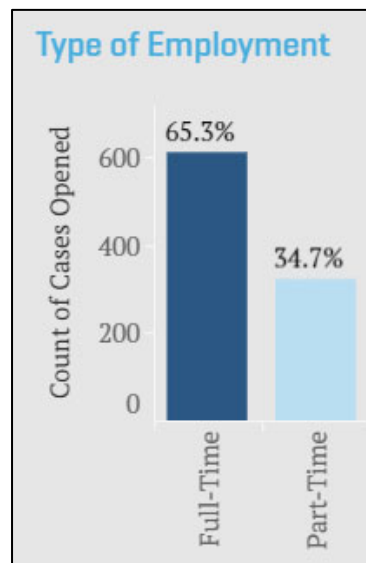
<sup>70</sup> “2019 State Report for County-Level Data: Prevalence.” Annual Disability Statistics Compendium, National Institute on Disability, Independent Living, and Rehabilitation Research. 2019.

## Employment

Approximately 51% of EFM clients indicated they were employed, and approximately 49% indicated they were not employed (Figure 38).<sup>71</sup> Of those who indicated they were employed, approximately 35% indicated they had part-time employment, and approximately 65% indicated that they had full-time employment (Figure 39).<sup>72</sup> EFM clients were more frequently employed than the eviction right to counsel clients in Connecticut (36%) and employed generally consistent with clients in Cleveland (55%).



**Figure 38 – EFM Client Employment Status**



**Figure 39 – EFM Client Type of Employment**

EFM clients who were employed were more likely to have children in the household than EFM clients who were not employed. Approximately 77% of EFM clients who were employed had at least 1 child in their household compared to approximately 61% of clients who were not employed. Approximately 69% of EFM clients with household incomes of at least 100% of the federal poverty level (FPL) were employed compared to 41% of EFM clients with household incomes of less than 100% of the FPL.<sup>73</sup>

## Housing Type, Tenure, and Lease Terms

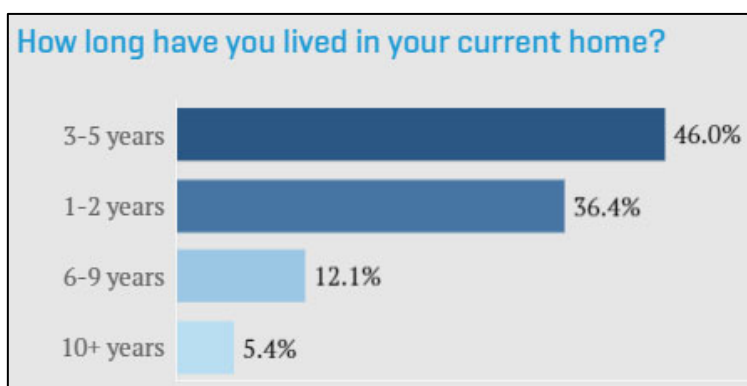
Approximately 92% of EFM clients were living in private housing and 8% were living in public housing or received a housing voucher or subsidy. Approximately 64% of EFM clients had been

<sup>71</sup> Metrics in Figure 38 include data for EFM clients assisted by Legal Aid Society of Milwaukee and Legal Action.

<sup>72</sup> Metrics in Figures 39 are for The Legal Aid Society of Milwaukee EFM cases only.

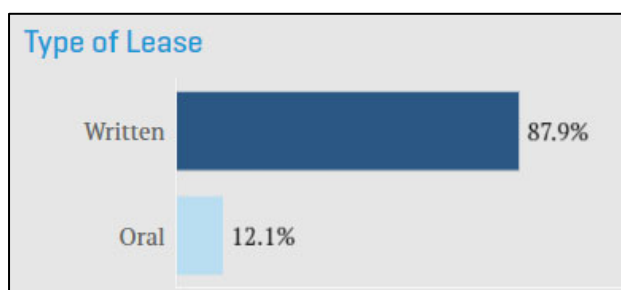
<sup>73</sup> These metrics include data for EFM clients assisted by Legal Aid Society of Milwaukee and Legal Action

living in their home for more than 2 years. Figure 40 shows the distribution of EFM clients by how long they had been living in their home.<sup>74</sup>

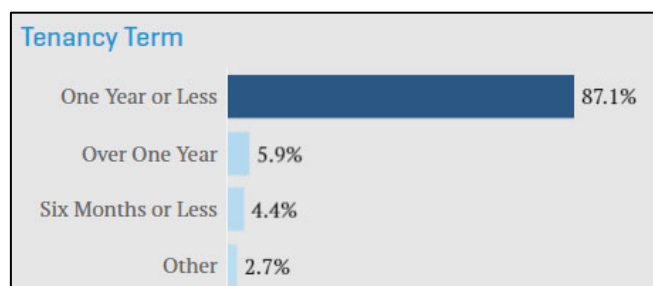


**Figure 40 – EFM Client Housing Tenure**

Approximately 88% of EFM clients indicated that they understood they had a written lease and approximately 12% indicated that they believed they had an oral lease with their rental property owner (Figure 41). Approximately 87% of EFM clients had a 1-year or less lease, approximately 4% had a 6-month or less lease, approximately 6% had a multi-year lease, and approximately 3% had other types of lease durations (Figure 42).



**Figure 41 – EFM Client Lease Types**



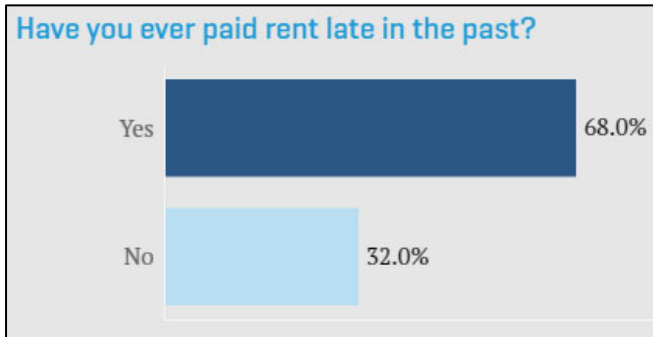
**Figure 42 – EFM Client Tenancy Terms**

### *Past Rent Payments and Ability to Pay Back Rent Owed*

Approximately 68% of EFM clients indicated they paid rent late in the past. However, approximately 45% of EFM clients indicated they had money to pay their rent at the time of the client intake interview. When asked if they could pay anything toward the back rent owed, approximately 44% of EFM clients indicated they could, and of the 44% who indicated they could pay something toward the back rent owed, approximately 37% indicated they could pay all the back rent owed. Of the 37% of clients indicating they could pay all the back rent owed,

<sup>74</sup> Metrics in Housing Type, Tenure, and Lease Terms section are for The Legal Aid Society of Milwaukee EFM cases only.

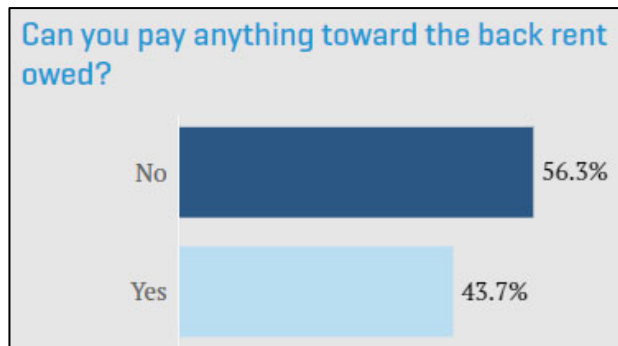
approximately 40% indicated they were experiencing defective conditions in their home. Therefore, it is possible a subset of these EFM client households were withholding rent due to defective conditions. Figures 43-46 shows these metrics.<sup>75</sup>



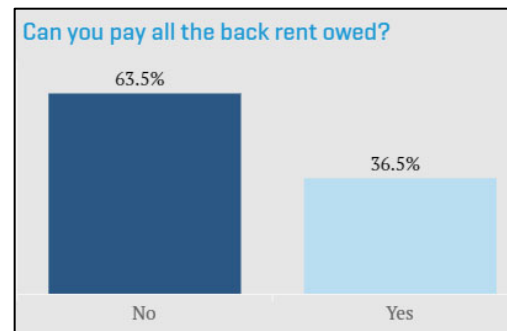
**Figure 43 – EFM Client Past Late Payments**



**Figure 44 – EFM Client Ability to Pay Rent**



**Figure 45 – EFM Client Ability to Pay Back Rent**



**Figure 46 – EFM Client Amount of Back Rent That Can be Paid**

### *Presence of Defective Conditions*

Stout learned from Legal Aid Society of Milwaukee that Milwaukee County’s rental housing stock for renters with low incomes has significant defective housing conditions. These issues included but were not limited to: inadequate or inoperable plumbing; inadequate or inoperable heat during winter months; mold; damage to walls, ceilings, roofs, and floors; pest infestations; leaks and flooding; electrical issues; inoperable appliances (e.g., stove, refrigerator, air conditioning unit); and lead.

In January 2022, the Milwaukee Journal Sentinel published an investigative series into electrical fires in zip code 53206 where electrical fires in rental housing were 5 times more prevalent than

<sup>75</sup> Metrics in Past Rent Payments and Ability to Pay Back Rent Owed are for The Legal Aid Society of Milwaukee EFM cases only.

the rest of the city.<sup>76</sup> Based on the study’s margin of error, at least 80% of the 3,300 single and two-family rental properties in zip code 53206 likely have electrical code violations.<sup>77</sup> The Wisconsin Examiner detailed the experiences of a renter who was being evicted in July 2022 and living in a home with cracked walls, peeling paint, damaged appliances, a mice infestation, exposed wiring, loose or missing floor tiles, among other defective conditions.<sup>78</sup> In September 2022, the Milwaukee Journal Sentinel described the rental housing of family living on Milwaukee’s near north side. The conditions in the family’s rental unit – water dripping from the ceiling, leaking pipes, clogged bathtub – caused significant mold growth throughout their home.<sup>79</sup> As a result, the family sent their children with asthma to live with relatives.<sup>80</sup> In an attempt to compel the rental property owner to make repairs, the family withheld rent, were subsequently evicted, and were experiencing homelessness as of the publishing of the article in September 2022.<sup>81</sup>

Approximately 62% of EFM clients indicated there were defective conditions issues in their home (Figure 47), and of these clients, approximately 95% indicated that they made the rental property owner aware of the defective conditions issues.<sup>82</sup> These metrics are consistent with the experiences of eviction right to counsel clients in Connecticut.

Approximately 56% of EFM clients with defective conditions in their homes indicated that there were multiple defective conditions (Figure 48). The presence of defective conditions did not differ materially based on federal poverty level, type of lease (written v. oral), length of lease, or type of housing (subsidized/public v. market rate). Stout is working with Legal Aid Society of Milwaukee to refine data collection related to the specific type of defective conditions EFM clients experience.

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<sup>76</sup> Diedrich, John et al. “Frayed wires. Defective lights. Fire traps. What we found doing electrical inspections in one Milwaukee neighborhood.” Milwaukee Journal Sentinel. January 2022.

<sup>77</sup> Ibid.

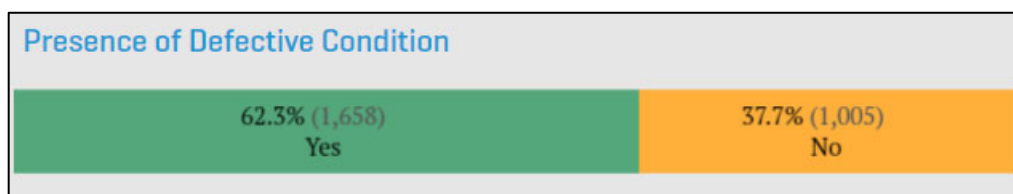
<sup>78</sup> Holmes, Isiah. “Milwaukee woman evicted from home left dilapidated by landlord.” Wisconsin Examiner. July 2022.

<sup>79</sup> Shelbourne, Talis. “‘Who wants to take a hot shower in mold?’ Substandard housing promotes asthma ‘triggers,’ and getting help can be a nightmare.”

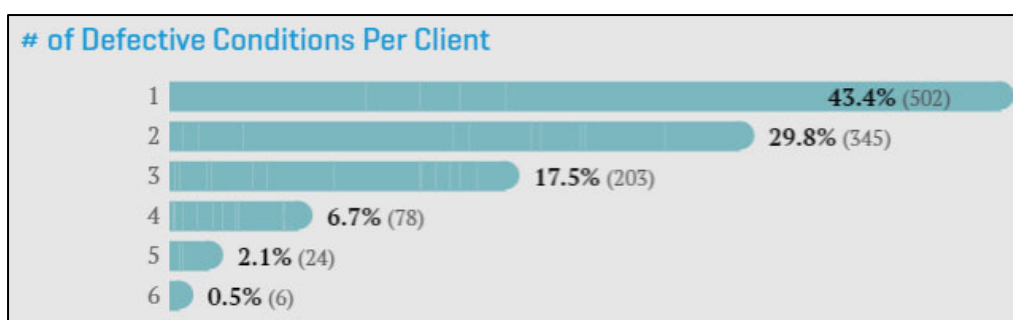
<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Metrics in Presence of Defective Conditions section include data for EFM clients assisted by Legal Aid Society of Milwaukee and Legal Action.



**Figure 47 – EFM Clients with Defective Conditions in Their Home**



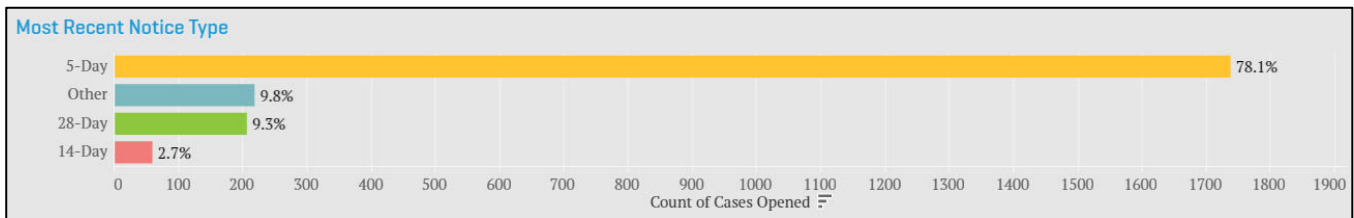
**Figure 48 – EFM Client # of Defective Conditions in Their Home**

Approximately 62% of EFM clients indicated their home had defective conditions, and approximately 56% of homes with defective conditions had multiple defective conditions, which is indicative that most EFM cases have substantive issues, complications, or disputes of fact beyond the non-payment of rent. Again, these metrics relate specifically to EFM clients (instances where individuals have sought legal assistance with their eviction case) and may not be applicable to all eviction filings.

### *Notice Type and Clients’ Understanding of Notice*

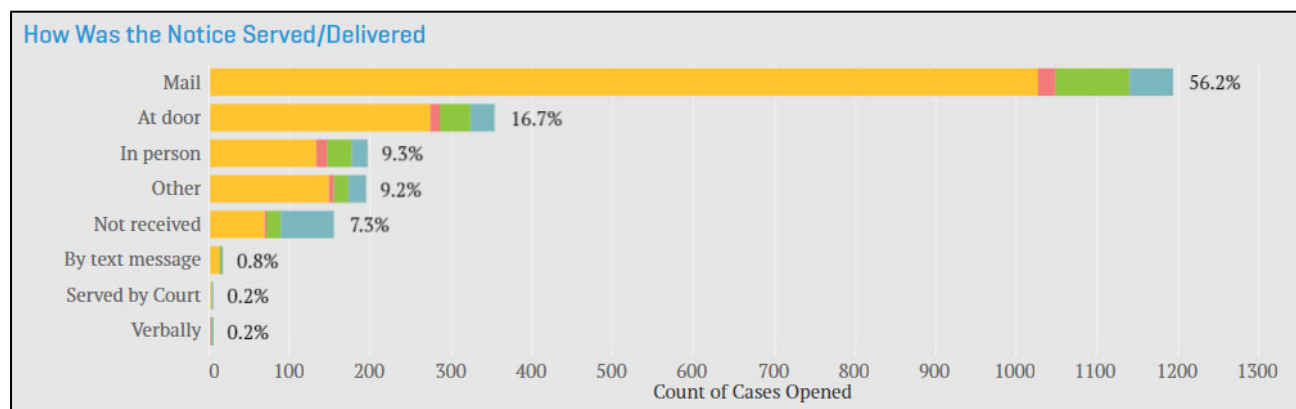
Approximately 78% of EFM clients indicated they received a 5-day notice, approximately 10% indicated they receive a different type of notice, approximately 9% indicated they received a 28-day notice, and approximately 3% indicated they received a 14-day notice (Figure 49).<sup>85</sup> When a rental property owner serves a tenant a 5-day notice, it is generally a notice to pay rent or vacate the premise, or it is a notice to correct a lease violation or vacate the premise. Fourteen-day notices to vacate are generally served to tenants who have month-to-month leases and who were either served with a previous 5-day notice within the last 12 months for non-payment of rent or violated a lease provision within the last 12 months. Twenty-eight-day notices are served by the rental property owner when they are seeking to terminate a month-to-month tenancy without cause.

<sup>85</sup> Metrics in Notice Type and Clients’ Understanding of Notice are for The Legal Aid Society of Milwaukee EFM cases only.



**Figure 49 – Type of Notice EFM Client Received**

The 3 most frequent ways EFM clients indicated they received their eviction notice was in the mail (56%), at their door (17%), and in-person (9%). Figure 50 shows how EFM clients indicated they received their eviction notice.



**Figure 50 – How EFM Client Received Notice**

Approximately 26% of EFM clients indicated they did not understand the notice they received. Younger EFM clients understood the notice they received more frequently than older EFM clients, and EFM clients identifying as Hispanic/Latino disproportionately indicated they did not understand the notice they received (35%).

***Selection Bias of EFM Clients Having Household or Case Characteristics Making Their Cases Complex***

EFM cases are not representative of all eviction filings in Milwaukee County, and while most eviction filings in Milwaukee County (and throughout the country) are brought for non-payment of rent, there are often substantive legal issues or procedural defects with how the case was brought. Tenants seeking representation do so because there are substantive legal issues with their case, potential defenses, or challenges within the household exacerbating the trauma of the eviction process. When cases do not have complex factors, EFM attorneys work promptly to effectively resolve the case.

Stout analyzed CCAP data and the data received from EFM to create a segmentation tree of eviction filings in Milwaukee County from September 1, 2021 through December 31, 2022 (i.e., the launch of EFM through December 31, 2022).

Figure 51 starts with the estimated number of renter occupied units in Milwaukee County (152,316) and the number of eviction filings in Milwaukee County from September 1, 2021 through December 31, 2022 (17,490).<sup>84</sup> Dividing the number of eviction filings by the estimated number of renter occupied units results in an estimated eviction filing rate of 11.5% in Milwaukee County. Of the 17,490 eviction filings in Milwaukee County from September 1, 2021 through December, 2022, Stout estimates 69% (12,068) are eligible for EFM.<sup>85</sup> Of the estimated 12,068 eviction filings in Milwaukee County where the tenant is eligible for EFM, approximately 2,552 (approximately 21% of estimated eligible tenants and approximately 15% of total tenants with an eviction filing) have been assisted by EFM. Of the 2,552 EFM cases, 2,203 have been closed. As previously discussed, EFM attorneys exercise professional judgment in determining what level of service is most appropriate for a client depending on the phase and facts of the case, as well as the presence of substantive legal issues. Of the 2,203 closed EFM cases, 963 (approximately 44%) involved extensive service (i.e., full representation). The level of services described in this paragraph are not reflections of a triage model. Stout’s understanding is that EFM is providing a level of service to EFM clients that is consistent with each client’s needs. Case facts and circumstances will influence the amount of time a case takes. A case requiring fewer hours than another is not indicative of that client not receiving full representation.

In jurisdictions where Stout is conducting evaluations of eviction right to counsel/eviction defense programs, attorneys representing tenants in eviction proceedings communicated (and the data collected has shown) that tenants are often navigating complex situations related to their eviction. Stout considered feedback from attorneys representing tenants throughout the country in the development of 4 issues increasing the complexity of eviction cases for tenants seeking representation:

- Defective conditions
- An oral lease
- Public housing or a voucher/subsidy
- A household member (adult or child) with a disability or health condition.

Stout analyzed data from the client intake interview to determine the frequency with which EFM clients who received full representation indicated they were experiencing at least 1 of these

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<sup>84</sup> Metrics Figure 51 are for The Legal Aid Society of Milwaukee EFM cases only.

<sup>85</sup> Stout developed this independent estimate using publicly available research and reports relating to the incomes of tenants experiencing eviction and tenants appearing in housing courts across the country. See: “Housing Court, Evictions and Homelessness: The Costs and Benefits of Establishing a Right to Counsel.” Community Training and Resource Center and City-wide Task Force on Housing Court, Inc. 1993. Krenichyn, Kira and Shaefer-McDaniel, Nicole. “Results From Three Surveys in New York City Housing Courts.” Center for Human Environments, Graduate Center of the City University of New York. 2007. Desmond, Matthew. “Who gets evicted? Assessing individual, neighborhood, and network factors.” Social Science Research. 2016. “ALICE Research Methodology.” United for ALICE. 2020.



issues. Of the 963 closed EFM cases involving full representation, at least 1 of these complex issues was identified in 828 (approximately 86%) of cases. The bottom row of the case segmentation tree shows the frequency of the 4 complex issues individually (boxes A-D) and the percentage of cases where there are multiple complex issues. Approximately 31% of closed EFM cases involved a client experiencing multiple complex issues.

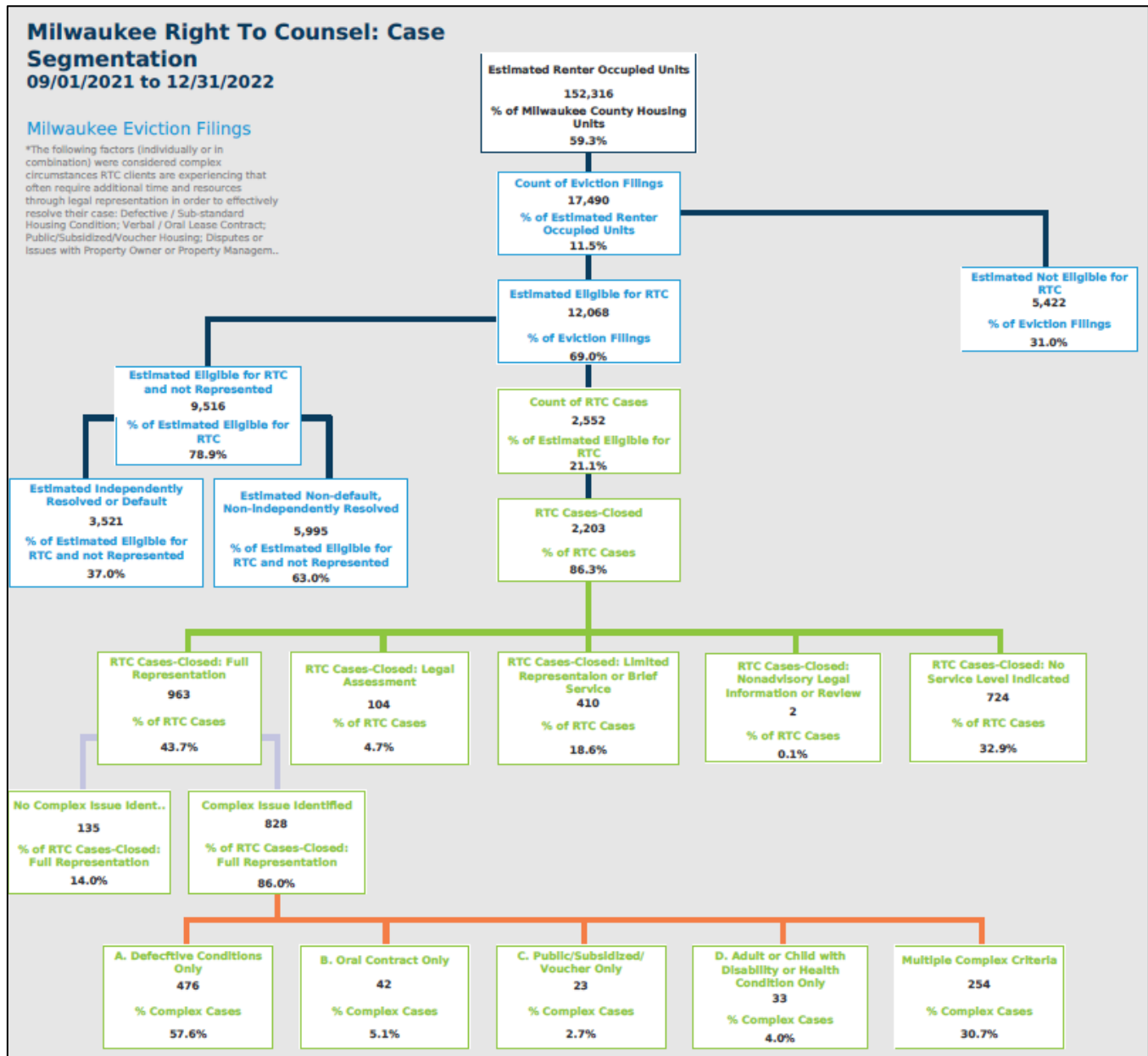


Figure 51 – Milwaukee County Eviction Filings and EFM Case Complexities Segmentation

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## *Analysis of Door-to-Door Canvassing Results*

In the first quarter of 2021, United Way contracted with InPower, a Milwaukee-based boutique integrated marketing and outreach firm specializing in health, education, and social care, to conduct a door-to-door canvassing pilot for people facing eviction in Milwaukee. The purpose of the pilot was to engage with Milwaukee residents who had an eviction filed against them to learn about their circumstances and connect them with available resources. InPower used a list of weekly eviction filings to target households facing eviction in City of Milwaukee zip codes.

Stout assisted InPower with developing data elements to collect when interacting with a resident during door-to-door canvassing. The data elements included but were not limited to whether the resident:

- Connected with EFM or Community Advocates
- Planned to attend their hearing
- Communicated with the rental property owner prior to receiving the eviction notice
- Agreed with the amount of back rent alleged
- Had a plan for if they are evicted

During the pilot, canvassers made 1,015 canvassing attempts to 829 unique addresses in the City of Milwaukee over a 7-week period from March 15 to April 29, 2022, in which approximately 1,500 evictions were filed in the City of Milwaukee. InPower canvassers knocked on doors in 25 of the City of Milwaukee's 33 zip codes. Of the addresses canvassed, approximately 53% were apartments, 27% were duplex or triplex buildings, and 20% were single-family homes. In approximately 39% of canvassing attempts, someone answered the door, and 96% of people who answered the door spoke English.

When canvassers spoke to residents, they asked if they connected with EFM, had a lawyer assigned to their case, and if they had the opportunity to connect with the rental assistance administrator. Of the residents who responded to these questions<sup>86</sup>:

- Approximately 18% (n=39) had already connected with EFM, which is generally consistent with the representation rate observed in Milwaukee County.
  - Of these 18% of residents, approximately 51% (n=20) had a lawyer assigned to their case.

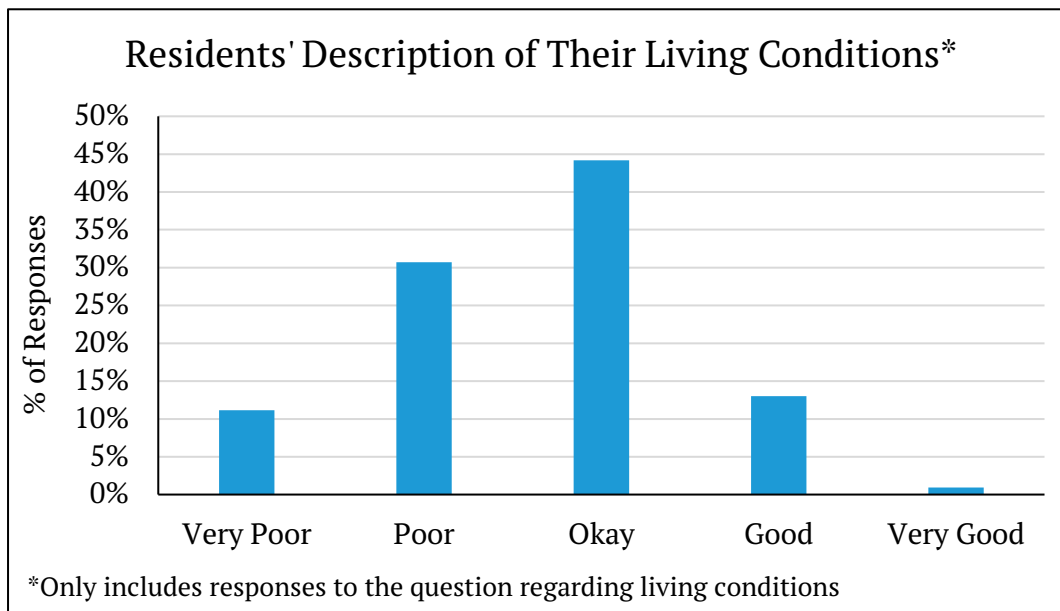
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<sup>86</sup> For multi-variate metrics reported in this section, Stout indicates the total number of responses as "n=". It is important to consider the number of responses when interpreting metrics presented as percentages. Stout includes the number of responses when there are less than 100 responses for any given question or combination of questions.

- Of the approximately 82% of residents who had not connected with EFM, approximately 81% indicated they had received a notice of eviction from their landlord.
- Approximately 56% (n=22) had already connected with the rental assistance administrator.

Of the residents who canvassers spoke with and answered questions regarding receiving an eviction notice, approximately 57% indicated they received an eviction notice. For the 43% of residents who indicated they did not receive an eviction notice, it is possible that canvassers were able to reach the tenant more quickly than delivery of the eviction complaint.

Of the residents who canvassers spoke with and answered questions regarding amounts owed and proof of payment, approximately 38% (n=81) indicated they did not agree with the amount the landlord said they owed and approximately 82% (of all residents canvassed) indicated they had proof of the payments they made. That is, there was a dispute between the landlord and the tenant about the amount owed. Canvassers asked residents to describe their living conditions on a scale from “very poor” to “very good.” Figure 52 shows how residents responded to this question.



**Figure 52 – Canvassing Respondent Description of Living Conditions**

Residents who responded that living conditions were “very poor” or “poor” described their homes as lacking electricity, smelling of sewage, rodent/bug infested, and lacking working appliances. A disproportionate percentage of residents who described their living conditions as “very poor” or “poor” also indicated they did not agree with the amount the landlord said they

owed – 54% (n=44) compared to 38% (n=81) of all residents and 9% (n=7) of residents describing their living conditions as “very good” or “good.”



*Photos of households appearing on the eviction filing list visited by EFM canvassers between March 15 – April 20, 2022.*

Canvassers asked residents if they were planning to attend their hearing. Of the residents responding to this question, approximately 93% indicated they were planning to attend their hearing, and of those who were planning to attend their hearing, approximately 77% had received an eviction notice. Of the residents who were not planning to attend their hearing (n=10), 90% (n=9) had not connected with EFM. Two of these 10 residents indicated they planned to move before their hearing, 3 indicated they remediated the issue, 1 indicated the landlord dismissed the case, 1 indicated they filed for bankruptcy, 1 indicated they did not want help, and 2 did not specify why they were not planning to attend their hearing.

Following the conclusion of the 7-week door-to-door canvassing pilot, InPower continued interacting with community members by distributing flyers and making connections to EFM but no longer collected detailed data during their interactions with community members.

# Section V-Preliminary Estimate of Fiscal Impacts

The impacts and costs of eviction to states, cities, counties, and municipalities are significant and multi-dimensional. Substantial reporting has documented the negative impact that evictions have on individuals, families, businesses, and communities. While many of these impacts are not yet quantifiable, clear fiscal costs or economic impacts of disruptive displacement do exist. This section details preliminary estimates of fiscal impact that EFM is likely having on publicly funded systems in Milwaukee County. These preliminary estimates of fiscal impacts provide insight into how representation in eviction cases could mitigate these costs or assist in redirecting the funds to other efforts undertaken by Milwaukee County.

Additionally, it is important to consider the economic impacts to key stakeholders in the eviction process, including rental property owners. Rental property owners throughout the country with whom Stout has engaged have explained the potential economic impacts and costs that they experience when filing evictions, which many use as a measure of last resort. The economic impacts and costs they communicate include but are not limited to attorney fees, filing fees, and other court costs; the time and costs associated with tenant screening and due diligence; costs of repair and maintenance to units needing to be re-rented; and the economic impact of tenants not paying rent as their eviction is being litigated. The scope of Stout's evaluation does not include quantification of these costs or the impact of unpaid money judgments.

As detailed on pages 62-64, it is important to appreciate that EFM, like eviction right to counsel programs Stout has evaluated, is often assisting tenants with substantive legal issues, challenging personal circumstances, serious consequences that could arise from disruptive displacement (such as unsheltered homelessness), and a variety of complex disputes with the rental property owner. EFM, similar to eviction right to counsel programs Stout has evaluated, rarely see clients that do not have these issues and complications with their cases and circumstances, representing a subset of all instances of delinquency and eviction filings (a subset of typically the most serious and severe cases). This is important context when considering potential fiscal impacts as well as the potential impacts of an eviction right to counsel for other stakeholders, including rental property owners, courts, and social service providers.

Stout relied on client interview data from Milwaukee (as well as comparative information from eviction right to counsel programs Stout is evaluating) to develop these estimates. Client circumstances and case characteristics often vary. Because of this variation, not all interview questions are applicable to all EFM clients and therefore are not asked to all clients. While the goal is to ask all EFM clients all questions applicable to their circumstance and case, Legal Aid Society of Milwaukee and Legal Action staff exercise discretion during the interview process. There may be interview questions not asked based on a client's lived experiences, comfort level with certain topics, and/or having to recount traumatic experiences. One data element for Stout's preliminary fiscal impact calculations is how clients have answered (in jurisdictions

outside Milwaukee) the interview question, “Where would you go if you were forced to move?” Answers to this question inform the degree to which clients would need assistance from publicly funded social safety net systems in Milwaukee County and the likelihood of other fiscal impacts (e.g., economic value lost due to out-migration).<sup>87</sup> Stout’s calculations of fiscal impacts rely on client responses to the interview question, “Where would you go if you were forced to move?” and use responses where clients have affirmatively indicated to their attorney, that if they were forced to move, they would need to enter emergency shelter. For this population, Stout assumes that without the assistance of their attorney, it is unlikely they that they would avoid disruptive displacement. EFM clients are seeking legal assistance because they recognize their circumstances require a skilled attorney, and without that attorney, they are likely to experience significant disruption to their lives.

Stout used the weighted average frequency with which EFM attorneys achieved client goals (for the 5 most frequently cited goals) as the basis for the percentage of EFM clients who likely avoided disruptive displacement through EFM. Using this data, Stout estimated EFM attorneys assisted in avoiding disruptive displacement for approximately 66% of EFM clients since implementation in September 2021. Stout uses the phrase “disruptive displacement” to capture outcomes of cases beyond “winning” and “losing.” For example, there may be circumstances where tenants did not have a formal eviction order issued against them and therefore were not displaced but have still experienced disruption in their lives because of the eviction filing, such as entering a negotiated settlement with unrealistic payment terms resulting in additional financial strain. Additionally, there may be circumstances where a tenant loses possession of their home but was granted an extra 30 days to vacate. In this situation, disruptive displacement may have been avoided because of the additional time to find alternative, suitable housing.

The detailed quantifications of the estimated fiscal impacts of EFM throughout this section are for the time period from September 1, 2021 through December 31, 2022 (i.e., since the launch of EFM). The potential fiscal impacts in any single year will depend on the number of individuals in EFM client households, the number of EFM cases closed, and the percentage and types of client goals achieved by EFM attorneys. Furthermore, the fiscal impacts throughout this section apply only to EFM cases. EFM clients are significantly more likely to experience the type of disruptive displacement that increases the likelihood of needing a social services response. Stout does not assume all EFM clients would require a social services response if they were not represented through EFM. Rather, Stout expects – based on its research and work with legal aid

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<sup>87</sup> For purposes of this evaluation report, Stout relied on eviction right to counsel clients’ responses to the interview question, “Where would you go if you were forced to move?” from other jurisdictions, which have demonstrated consistent frequency of responses. The reasonableness of applying these metrics in Milwaukee was reinforced by feedback from the Legal Aid Society of Milwaukee as well as other independent research. Stout is working with Legal Aid Society of Milwaukee to collect this data point in 2023.

organizations and community-based organizations throughout the country – without legal representation there is a greater risk of disruptive displacement for EFM clients.

### *Foster Care Cost Savings for Children Experiencing Homelessness*

According to data published by the Wisconsin Department of Children and Families, there were approximately 1,800 children in foster care in Milwaukee County in 2021.<sup>88</sup> Data collected during the interview process indicated there were 5,475 children living in EFM client households from September 1, 2021 through December 31, 2022. EFM attorneys avoided disruptive displacement for approximately 66% of EFM clients during the same period. An estimated 4% of children from evicted families are placed in foster care and generally remain there for at least one year.<sup>89</sup> Stout estimated that Milwaukee County spends approximately \$110,000 annually per child in foster care based on daily rates for out-of-home foster care placement published by Wisconsin Department of Children and Families. Through EFM attorneys' representation of EFM clients, Milwaukee County likely avoided \$2.3 million in costs related to out-of-home foster care September 1, 2021 through December 31, 2022, and an estimated 145 Milwaukee County children may have avoided entrance into the foster care system.

### *Out-Migration and Population Loss*

Research has shown that evictions can contribute to out-migration and population loss.<sup>90</sup> Based on its findings in other jurisdictions, Stout estimates approximately 96 (7%) of EFM client households would have migrated out of Milwaukee County (and possibly out of Wisconsin) if they had to move. This estimate uses data collected in Cleveland and Connecticut where approximately 7% of eviction right to counsel clients in those jurisdictions indicated during the interview process that they would leave the jurisdiction if they had to move.

The average household size of EFM clients was 3 people, resulting in 287 people who would have likely moved out of Milwaukee County (and possibly out of Wisconsin) but for EFM. EFM attorneys avoided disruptive displacement for approximately 66% of EFM clients. If these EFM client households would have migrated out of Milwaukee County, Milwaukee County would have likely lost an estimated \$12,000 in economic value (e.g., federal funding, state and local tax revenue, dollars spent in state and local economies) per person.<sup>91</sup> Because EFM kept

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<sup>88</sup> "Wisconsin Out-of-Home Care (OHC) Report." Wisconsin Department of Children and Families. December 2022.

<sup>89</sup> Berg, Lisa and Brannstrom, Lars. "Evicted children and subsequent placement in out-of-home care: a cohort study." Public Library of Science. April 18, 2018.

<sup>90</sup> Mah, Julie. "Gentrification-Induced Displacement in Detroit, Michigan: An Analysis of Evictions." Routledge. July 21, 2020

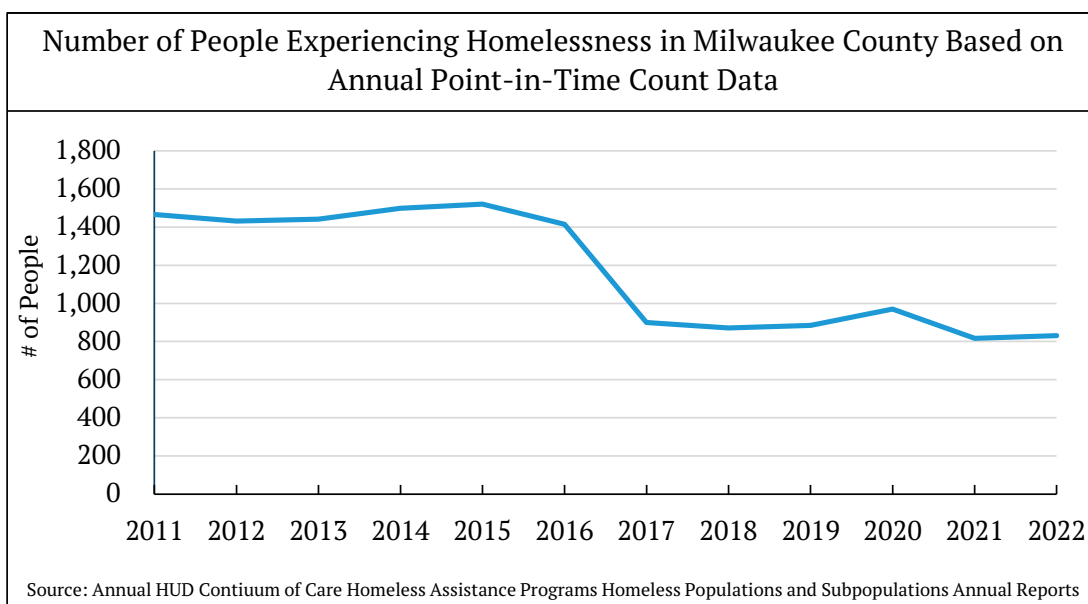
<sup>91</sup> Estimated by Stout using data from: (1) Aguilar, Louis. "Detroit population continues to decline, according to Census estimate." Bridge Michigan. May 2020. (2) "State and Local Expenditures." Urban Institute. 2018.



approximately 190 Milwaukee County residents from moving outside of the jurisdiction, Milwaukee County may have retained economic value of approximately \$2.3 million from September 1, 2021 through December 31, 2022.

***Housing Social Safety Net Costs Avoided***

While homelessness may not always be experienced immediately following an eviction, eviction remains a leading cause of homelessness. According to data from the 2022 annual point-in-time count for Milwaukee County, there were 832 people experiencing homeless in Milwaukee County. Figure 53 shows the annual number of Milwaukee County residents experiencing homelessness based on point-in-time data.



**Figure 53 – Milwaukee County Population of People Experiencing Homelessness**

Based on its findings in other jurisdictions, Stout estimates approximately 232 (17%) EFM client households would have entered the shelter system if they had to move. This estimate uses data collected in Cleveland and Connecticut where approximately 16% to 18% of eviction right to counsel clients in those jurisdictions indicated during the interview process that they would enter the shelter system if they had to move. The estimated annual cost to provide a housing social safety net response for these client households would have been approximately \$12,200

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Referencing State & Local Government Finance Data Query System and Data from U.S. Census Bureau, Annual Survey of State and Local Government Finances, Volume 4. 2020. (3) Present value of investments that cities and states have been willing to make to attract new residents.

per household per year if EFM attorneys were unable to avoid their disruptive displacement.<sup>92</sup> EFM attorneys avoided disruptive displacement for approximately 66% of EFM clients from September 1, 2021 through December 31, 2022, which likely resulted in housing social safety net response costs avoided of \$1.9 million for Milwaukee County by keeping an estimated 154 households out of the shelter system. The estimated \$1.9 million in housing social safety net costs avoided does not include costs associated with people experiencing unsheltered homelessness or other unhoused situations beyond entry into the shelter system.

Data Stout has received and analyzed from Continuums of Care (CoC) and the Homeless Management Information Systems (HMIS) throughout the country indicates a portion of people experiencing homelessness will require a second housing social safety net response (i.e., they will exit the shelter system but will experience subsequent homelessness and return to the shelter system). Stout's analysis of the CoC and HMIS data indicates that on average approximately 20% of people experiencing homelessness will require a second housing social safety net response. Applying the 20% metric to the 154 EFM client households that would have likely entered the shelter system but for an EFM attorney's representation results in an estimated 31 EFM client households that would have likely required a second housing social safety net response. At a cost of approximately \$12,200 per household per year for a housing social safety net response, the cost of these 31 EFM client households requiring a second housing social safety net response would have been approximately \$380,000.

In total, Stout estimates Milwaukee County likely avoided housing social safety net response costs of approximately \$2.3 million from September 1, 2021 through December 31, 2022 as a result of EFM – approximately \$1.9 million in initial housing social safety net responses and approximately \$380,000 in second uses of housing social safety net responses.

Stout also calculated housing social safety net costs avoided using an alternative method. In this calculation, Stout relies on the experience and expertise of local stakeholders and publicly available research to estimate the housing social safety net costs avoided if an eviction right to counsel were implemented.

Using this alternative method, Stout estimates that an incremental 1,229 EFM client households avoided disruptive displacement because of an EFM attorney's representation. Of the estimated 1,229 incremental EFM client households avoiding disruptive displacement, approximately 14.5% would have likely entered the shelter system and needed a housing social safety net response, resulting in approximately 178 EFM client households entering the shelter system

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<sup>92</sup> Estimated by Stout using data from 2019 HUD Funding and PIT Count published by the National Homeless Information Project.

and needing a housing social safety net response.<sup>93</sup> The estimated annual cost to provide a housing social safety net response for these client households would have been approximately \$12,200 per household per year if EFM attorneys were unable to avoid their disruptive displacement for a total estimated housing social safety net response of \$2.2 million.<sup>94</sup> Using the same methodology described previously, Milwaukee County likely avoided \$440,000 in housing social safety net responses for EFM client households requiring a second housing social safety net response for a total of approximately \$2.6 million (first and second uses of housing social safety net responses).

Considering both methodologies, Stout estimates Milwaukee County likely avoided housing social safety net response costs of \$2.3 million to \$2.6 million from September 1, 2021 through December 31, 2022.

### *Retained Federal and State Funding for Milwaukee Public Schools*

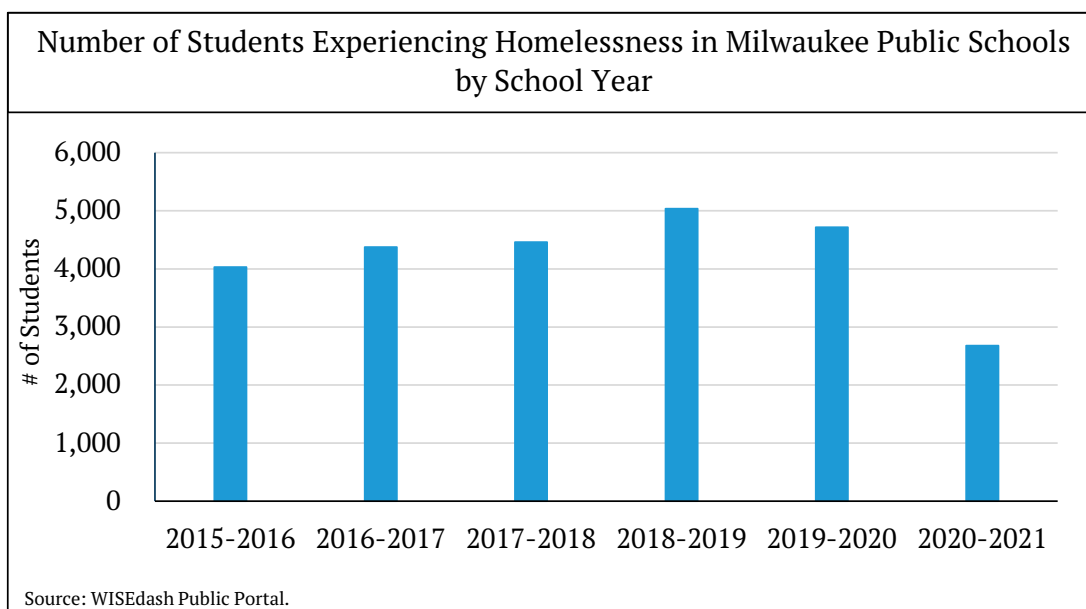
During the 2020-2021 school year, there were 2,679 students experiencing homelessness enrolled in Milwaukee Public Schools.<sup>95</sup> Figure 54 shows the annual number of students experiencing homelessness in Milwaukee Public Schools by school year.

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<sup>93</sup> Rolston, Howard et al. "Evaluation of the Homebase Community Prevention Program." Abt Associates. June 2013. The Abt Study was an evaluation of the Homebase Community Prevention Program on households' use of homeless shelters and services. The Homebase program was a network of neighborhood-based homelessness prevention centers located in high-need neighborhoods of New York City. Homebase was designed to prevent homelessness and to prevent repeated stays in shelter. One of the research questions to be answered by the evaluation was: does Homebase affect the rate of shelter use (nights in shelter)? The evaluation population, as agreed upon with the New York City Department of Homeless Services, was 295 families with at least one child – 150 in the treatment group, and 145 in the control group. The evaluation indicated that over the evaluation period of 27 months (September 2010 to December 2012) a statistically significant difference the likelihood of spending at least one night in shelter between the treatment and control groups – 14.5% compared to 8%. Evaluators had access to individual-level administrative data from systems operated by three New York City social services agencies (the Department of Homeless Services, the Administration for Children's Services, and the Human Resources Administration) and the New York State Department of Labor. This individual-level data was matched with Homebase data based on social security number, name, date of birth, and gender. Evaluators then used this data and a linear probability model to assess the likelihood of shelter entry.

<sup>94</sup> Estimated by Stout using data from 2019 HUD Funding and PIT Count published by the National Homeless Information Project.

<sup>95</sup> Data available at <https://wisedash.dpi.wi.gov/Dashboard/dashboard/18110>



**Figure 54 – Milwaukee County Public School Students Experiencing Homelessness**

Housing instability not only impacts several facets of students’ education like test scores, level of educational attainment, and likelihood of graduating, but also the school system as a whole. Because Milwaukee schools are allocated federal funding based on the number of students enrolled, when students leave Milwaukee, funding is lost.

Based on its findings in other jurisdictions, Stout estimates approximately 96 (7%) EFM client households would have migrated out of Milwaukee County (and possibly out of Wisconsin) if they had to move. EFM client households have an average of 2 children and approximately 66% avoided disruptive displacement because of the EFM attorneys’ representation. Stout estimates that 126 children would have migrated out of Milwaukee but for representation through EFM.

Milwaukee Public Schools receives approximately \$10,100 in federal and state funding per student enrolled.<sup>96</sup> The estimated 126 children who would have migrated out of Milwaukee (and left Milwaukee schools) because of disruptive displacement would have resulted in \$1.3 million in lost federal and state funding for Milwaukee Public Schools from September 1, 2021 through December 31, 2022.

### *Medicaid-funded Health Care Cost Savings*

A significant body of research has documented the connection between health and housing, and recent research has examined the connection between eviction filing rates and mortality

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<sup>96</sup> Estimated using data from Summary of Public Elementary-Secondary School System Finances by State for Fiscal Year 2021 compiled by the United States Census Bureau.

rates.<sup>97</sup> People experiencing homelessness, including those experiencing homelessness because of eviction or disruptive displacement, often utilize in-patient and emergency room care more frequently than people who are stably housed. Stout found in its independent evaluation of Cook County’s (Chicago) Early Resolution Program, approximately 41% of clients facing eviction indicated that if they were not able to effectively resolve their case, they would likely experience increased stress and health concerns.<sup>98</sup>

From September 1, 2021 through December 31, 2022, EFM attorneys served 10,623 individuals (i.e., total number of people in EFM client households), of which EFM attorneys avoided disruptive displacement for approximately 66%. Based on data collected in Stout’s evaluations eviction right to counsel programs, approximately 46% of clients indicated that if they had to move, they would likely experience homelessness in some form.<sup>99</sup> Using utilization rates of in-patient and emergency room care for people experiencing homelessness, average cost data, Medicaid enrollment, and the estimated portion of Medicaid funded by Milwaukee County, Stout estimates that Milwaukee County saved \$800,000 in additional Medicaid costs from September 1, 2021 through December 31, 2022 as a result of EFM.

### *Estimated Total Preliminary Fiscal Impacts*

Stout estimates that Milwaukee County realized economic benefits of \$9 million to \$9.3 million between September 1, 2021 through December 31, 2022 as a result of EFM. Total public-private investment in EFM was \$3 million, so an estimated \$6 to \$6.3 million net gain and a return on investment of between \$3.00 and \$3.10. The estimated benefits are related to:

- Out-of-home foster care costs - \$2.3 million
- Economic value preserved by reducing migration out of Milwaukee County - \$2.3 million
- Cost savings related to housing social safety net responses - \$2.3 million to \$2.6 million
- Retained federal and state funding for Milwaukee Public Schools - \$1.3 million
- Cost savings related to Medicaid spending on health care - \$800,000.

Stout’s preliminary estimate of fiscal impact is likely significantly understated. Included in the calculation are benefits of EFM that can be quantified based on currently available data. However, Milwaukee County (and Wisconsin) would likely realize additional benefits that are

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<sup>97</sup> Rao, Shreya et al. “Association of US County-Level Eviction Rates and All-Cause Mortality.” National Library of Medicine. November 2022. The researchers analyzed 2016 eviction data for nearly 700 counties and found that eviction rates were significantly associated with all-cause mortality with the strongest associations observed in counties with the highest proportion of Black and female residents. All-cause mortality increased by approximately 9 deaths per 100,000 residents for every 1% increase in eviction rates.

<sup>98</sup> “Evaluation of Cook Count Early Resolution Program.” Stout Risius Ross. 2022.

<sup>99</sup> The 46% includes Cleveland and Connecticut eviction right to counsel clients who indicated that they would need to enter emergency shelter, live in a hotel/motel, or live unsheltered or on the street.

not currently quantifiable based on available data. These benefits that are not currently quantifiable include but are not limited to:

- The education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness
- The effects of stabilized employment and income and the economic and tax benefits to the state associated with consumer spending
- The negative impact of eviction on tenants' credit score, ability to re-rent, and the potential loss of a subsidized housing voucher
- The cost of providing public benefits when jobs are lost due to eviction or the eviction process
- The cost of mental health care
- Certain additional costs associated with homelessness, such as additional law enforcement and incarceration costs
- The cost of family, community, and neighborhood instability
- Preservation of financial and personal assets
- A reduction, over time, of the number of eviction cases filed resulting in improved use of Milwaukee County Small Claims Court resources.

Stout's estimates of fiscal impacts do not include the impacts that may arise from rental property owners' perceptions of and responses to EFM. For example, Stout's estimates do not include quantifications of additional rental arrears that may accumulate and not be collected or housing market impacts if a small rental property owner decides to sell their property to a corporate rental property owner (local or out-of-state). These fiscal impacts are exceedingly challenging to quantify as there are significant externalities and a variety of factors that rental property owners consider when amending their business practices or considering exiting the rental property business. Isolating and controlling for the specific impact of increased tenant representation on rental property owners' business decisions is outside of the scope of Stout's evaluation of EFM.

Stout's evaluation found that EFM is overwhelmingly assisting tenants who have complex case or personal circumstances and would disproportionately experience severe consequences without the assistance of an attorney. Rental property owners who are maintaining their properties, have written leases with tenants, and are using eviction filings as a last resort after having attempted to work with tenant, are unlikely to interact with EFM. When rental property owners (or their counsel or agents) do interact with EFM attorneys, they are likely to experience an efficient and effective resolution compared to if they were interacting with a pro se tenant.

Appendix A is a compilation of publicly available research demonstrating the breadth of fiscal impacts arising from housing instability and eviction.

## Section VI-Recommendations for 2023

Year 2 of EFM offers the opportunity to not only continue demonstrating the impact of EFM for clients and the community but also to deepen and refine the understanding of the eviction landscape in Milwaukee County. Based on its Year 1 evaluation findings, Stout recommends the following activities be undertaken in Year 2 of EFM:

- Collaborate with rental property owners, their counsel, agents, and property managers to address mutually agreed upon challenges and barriers within Milwaukee’s eviction ecosystem.
- Support the development of a Tenant Advisory Council and a Rental Property Owner Advisory Council to gather feedback about and refine EFM. Developing a formal and regular process to collect feedback and brainstorm EFM refinements would create an iterative process that continually informs and enhances EFM for all parties involved.
- Refine data collection and analysis to understand better:
  - If clients had previous evictions filed against them
  - Amount of rent stated in the notice, amount of rent sought in complaint, and amount of rent the client thinks they owe
  - Where clients would go if they had to move
  - If clients want to stay in their home
  - If a client was represented by EFM in the previous 12 months
  - The distribution of hours spent on EFM cases in total and by staff position (i.e., supervising attorney, attorney, paralegal, other support staff) and case / client circumstances that may require more or less time to reach an effective resolution
  - The frequency with which and reason why settlement agreements fail in the months following their execution, which could be achieved through a client survey after the resolution of the case.
- Leverage data integrity dashboards to ensure client interview information is complete whenever possible, and cases are promptly closed. Capturing as much data as possible during the interview can create a comprehensive view of what clients are experiencing and common characteristics of cases across all clients. Prompt case closure will be important to having current, reasonably accurate outcomes data throughout the year.



- Develop and implement processes for ensuring attorney time is entered promptly. Prompt recording of attorney time is important for assessing attorney caseload and understanding how much time attorneys are spending on certain activities (e.g., administrative tasks compared to substantive legal work).
- Convert elements of case notes into structured data fields. Legal Aid Society of Milwaukee is collecting at least 100 structured data fields from the client interview to case closure. If a structured data field exists, entering data into it (in addition to recording it in the case notes, if it is helpful to the attorneys) enables a more robust quantitative evaluation. Attorneys often record valuable information in open text case notes fields, which can be challenging to analyze.
- Continue daily mailings to residents receiving a summons/complaint, expand door-to-door canvassing, and develop and implement an outreach strategy centered on local trusted messengers. Legal Aid Society of Milwaukee and United Way should collaborate with other stakeholders to create the outreach strategy so that the range of services available to Milwaukee tenants is effectively communicated.
- Understand efforts that rental property owners are undertaking to work with tenants prior to filing an eviction (e.g., secure rental assistance, participate in pre-filing eviction diversion) and how these efforts may differ based on rental property owner typology (e.g., large corporate owners v. owners of 1-3 units). Stout has learned that rental property owners often try to work with tenants before filing an eviction, and the eviction filing is often perceived by rental property owners as a last resort. Eviction diversion and mediation programs (either pre- or post-filing) could significantly enhance the impact of EFM, particularly when the only issue is the non-payment of rent. These cases could be handled outside of the adversarial legal system, leaving cases with substantive legal issues and disputes of fact to be litigated within the adversarial legal system. EFM should also coordinate and collaborate with the court to integrate, to the extent possible, EFM with the National Center for State Court's Eviction Diversion Initiative in Milwaukee.

# Appendix A-Fiscal Impacts Research

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## *Eviction is a Leading Cause of Homelessness*

While homelessness may not always be experienced immediately following an eviction, eviction remains a leading cause of homelessness. In Cleveland, an eviction right to counsel jurisdiction, eviction right to counsel clients are represented by Cleveland Legal Aid. During Cleveland Legal Aid’s intake interview, clients are asked where their household would stay if they were evicted. Stout analyzed responses to this question as an element of its 2021 independent evaluation of Cleveland’s eviction right to counsel and found that approximately 5% of clients indicated they would need to enter emergency shelter if they were evicted.<sup>100</sup> Approximately 23% of clients indicated they would need to “double up” with friends/family, approximately 6% indicated they would live unsheltered, and approximately 60% indicated they did not know where they would go, suggesting they do not have a plan for where they would find alternative housing and may experience sheltered or unsheltered homelessness.

A 2011 study of people experiencing homelessness in Harris and Fort Bend counties (Houston area), Texas found that approximately 30% of people experiencing homelessness identified eviction (either by a family member or a rental property owner) as a cause for their homelessness.<sup>101</sup>

The Massachusetts Interagency Council on Housing and Homelessness analyzed a variety of reports generated by the state’s shelter system to determine that 45% of people experiencing homelessness or who are at risk of experiencing homelessness cite eviction as the reason for their housing instability.<sup>102</sup>

Similar statistics were observed in Hawaii where 56% of families experiencing homelessness cite inability to afford rent as the reason for their experiencing homelessness.<sup>103</sup> An additional 18% of families cited eviction specifically, as the reason for their experiencing homelessness.<sup>104</sup>

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<sup>100</sup> “Cleveland Eviction Right to Counsel Annual Independent Evaluation.” Stout Risius Ross. January 31, 2022.

<sup>101</sup> “Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties.” Coalition for the Homeless Houston/Harris County. 2011.

<sup>102</sup> “Regional Networks to End Homelessness Pilot Final Evaluation Report.” Massachusetts Interagency Council on Housing and Homelessness. February 15, 2011.

<sup>103</sup> “Homeless Service Utilization Report.” Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010.

<sup>104</sup> Ibid.

In Seattle, a survey of tenants who were evicted revealed that nearly 38% were living unsheltered and half were living in a shelter, transitional housing, or with family and friends.<sup>105</sup> Only 12.5% of evicted respondents secured another apartment to move into.<sup>106</sup>

Researchers at the University of Delaware matched data from the statewide homelessness services network to eviction filings in Delaware and found that 21% of people experiencing homelessness in their study group received an eviction filing in the previous two years.<sup>107</sup>

A 2018 study of homelessness in Los Angeles County, citing surveys conducted as part of recent homeless counts, stated that 40% of unsheltered adults cited unemployment and lack of money, which encompassed inability to pay for housing, as the reason for experiencing homelessness.<sup>108</sup> These factors (unemployment and lack of money) were identified more than twice as often any other factor, and eviction or foreclosure was specifically identified as the primary reason for homelessness by 11% of unsheltered adults.<sup>109</sup>

A 2014 San Francisco study of an eviction defense pilot program, citing a recent survey of families experiencing homelessness, revealed that 11% of families in San Francisco homeless shelters identified evictions (legal and illegal) as a cause of their homelessness.<sup>110</sup> The Housing and Homeless Division Family and Prevention Services Program Manager in San Francisco has stated that the number of families experiencing homelessness as a result of an eviction is potentially over 50%— much higher than 11% — when considering the intermediate living arrangements made with friends and family before the families who have been evicted access the shelter system.<sup>111</sup> The 50% estimate is supported by the survey of families experiencing homelessness, in which 45% of respondents indicated that the cause of their homelessness was being asked to move out.<sup>112</sup> Furthermore, a 2013 demographics report of adult shelters in San Francisco found that 36% of its population was living with friends or relatives before experiencing homelessness.<sup>113</sup>

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<sup>105</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>106</sup> Ibid.

<sup>107</sup> Metraux, Stephen PhD et al. “Prior Evictions Among People Experiencing Homelessness in Delaware.” Delaware Academy of Medicine/Delaware Public Health Association. August 2022.

<sup>108</sup> Flaming, Daniel et al. “Escape Routes: Meta-Analysis of Homelessness in L.A.” Economic Roundtable. April 2018.

<sup>109</sup> Ibid.

<sup>110</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid, citing 2013 Demographics Report – San Francisco Single Adult Shelters.

A 2018 study of shelter use in New York City indicated that evictions: (1) increase the probability of applying for shelter by 14 percentage points compared to a baseline probability of approximately 3% for households not experiencing an eviction; and (2) increase the number of days spent in shelter during the two years after an eviction filing by 5 percentage points, or about 36 days.<sup>114</sup> The researchers concluded that because the estimated effects of eviction persist long-term, avoiding eviction does not simply delay a period of homelessness, it leads to lasting differences in the probability of experiencing homelessness.<sup>115</sup> The New York City Department of Homeless Services found that eviction was the most common reason for families entering city shelters between 2002 and 2012.<sup>116</sup>

Based on a control group analysis, a 2013 evaluation of the Homebase Community Prevention Program (the Abt Study) in New York City found that 18.2% of families with children who were at risk of homelessness applied for shelter, and 14.5% entered family shelter.<sup>117</sup> These metrics compare to Homebase case managers' expectations at program enrollment, which were that 25% of families with children who were at risk of homelessness would "definitely" enter shelter and for an additional 25% shelter entry was "very likely."<sup>118</sup> The Abt Study was an evaluation of the Homebase Community Prevention Program which included an analysis of households' use of homeless shelters and services. The Homebase program is a network of neighborhood-based homelessness prevention centers located in New York City. Homebase was designed to prevent homelessness and to prevent repeated stays in shelter. One of the research questions to be answered by the evaluation was: does Homebase affect the rate of shelter use (nights in shelter)? The evaluation population, as agreed upon with the New York City Department of Homeless Services, was 295 families with at least one child – 150 in the treatment group, and 145 in the control group. The evaluation indicated that over the evaluation period of 27 months (September 2010 to December 2012) a statistically significant difference the likelihood of spending at least one night in shelter between the treatment and control groups – 14.5% compared to 8%. Evaluators had access to individual-level administrative data from certain systems operated by three New York City social services agencies (the Department of Homeless Services, the Administration for Children's Services, and the Human Resources Administration) and the New York State Department of Labor. This individual-level data was matched with Homebase data based on social security number, name, date of birth, and gender. The evaluators did not have access to data about single adults, adult families, and shelters outside

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<sup>114</sup> Collinson, Robert and Reed, Davin. "The Effects of Evictions on Low-Income Households." New York University Law. December 2018.

<sup>115</sup> Ibid.

<sup>116</sup> "The Rising Number of Homeless Families in NYC, 2002-2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in and Where They Came From." New York City Independent Budget Office. 2014.

<sup>117</sup> Rolston, Howard et al. "Evaluation of the Homebase Community Prevention Program." Abt Associates. June 2013.

<sup>118</sup> Ibid.

of New York City. Evaluators used the individual-level data and a linear probability model to assess the likelihood of shelter entry. The evaluators indicated that limitations of the Study included only analyzing data from shelters operated by the Department of Homeless Services, the impact of “one shot” assistance among the studied population and limiting the study population to families with at least one child and pregnant women.

Robin Hood, a New York City-based non-profit organization that provides funding to, and evaluation metrics for more than 200 programs in New York City, estimates without any intervention, approximately 25% of those at risk of experiencing homelessness would enter shelter.<sup>119</sup> Robin Hood’s estimate, like the Abt Study case managers’, is based on the experiences and expectations of staff working with low-income families experiencing housing instability.

Researchers studying the typology of family homelessness (the Culhane Study) found that approximately 80% of families experiencing homelessness stay in emergency shelter for brief periods, exit the shelter, and do not return.<sup>120</sup> The remaining 20% of families experiencing homelessness stay for long periods, and a small but noteworthy portion of families experiencing homelessness cycle in and out of shelter repeatedly.<sup>121</sup> Families cycling in and out of shelter have the highest rates of intensive behavioral health treatment, placement of children in foster care, disability, and unemployment.<sup>122</sup> The differences between families that have short shelter stays compared to families with longer shelter stays were identified as: family composition (e.g., larger, older, Black); predicament (e.g., experiencing domestic violence, pregnancy/newborn status); and resources at exit (e.g., housing subsidy).<sup>123</sup>

Data from California’s Continuums of Care indicated significant racial disparities among people who have accessed homeless services.<sup>124</sup> California’s population is approximately 6% Black, but Black or African Americans represent 31% of people accessing homeless services.<sup>125</sup> The data also indicated that 41% of people accessing homeless services reported a disabling condition, 17% reported experiencing domestic violence, and 22% were under the age of 18 – all factors that influence length of shelter stay, according to the Culhane Study.<sup>126</sup> A study of

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<sup>119</sup> [https://www.robinhood.org/uploads/2017/04/Metrics-Equations-for-Website\\_Sept-2014.pdf](https://www.robinhood.org/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf)

<sup>120</sup> Culhane, Dennis et al. “Testing a Typology of Family Homelessness Based on Patterns of Public Shelter Utilization in Four U.S. Jurisdictions: Implications for Policy and Program Planning.” *Housing Policy Debate*. May 2007.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> “Demographics of People Who Were Served.” State of California Business, Consumer Services and Housing Agency. 2020.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

administrative data from the homeless shelter systems in New York City and Philadelphia found demographic differences among people experiencing homelessness, which contribute to differences in length of stay in shelters and could inform program planning.<sup>127</sup> The significant concentration of non-White people and those experiencing mental health challenges within the shelter system is consistent with the characteristics of people experiencing the eviction process. The researchers’ recommendation that targeted preventive and resettlement assistance, transitional housing and residential treatment, and supported housing and long-term care programs further indicates the costly housing responses needed to support people experiencing homelessness as a result of disruptive displacement.

Figure 1 shows the percentage of people reporting that they are experiencing homelessness and entering shelter because of eviction or an inability to pay for housing by jurisdiction. These shelter entry metrics (i.e., the proportion of people at shelter connecting their entry to eviction or inability to pay for housing) are not the same as the proportion of people experiencing eviction who enter shelter but are informative about the role eviction has as a pathway to homelessness and shelter entry.



**Figure 1**

It is also worth noting that not everyone who experiences disruptive displacement will also experience homelessness. However, not experiencing homelessness does not eliminate the

<sup>127</sup> Kuhn, Randall and Culhane, Dennis. “Applying Cluster Analysis to Test a Typology of Homelessness by Pattern of Shelter Utilization: Results from the Analysis of Administrative Data.” *American Journal of Community Psychology*. April 1998.

social costs of disruptive displacement as these households will likely experience other trauma(s) related to disruptive displacement. That is, there are social costs to eviction even for households that do not experience homelessness because of their eviction. These social costs and traumas may include, but are not related to, needing to staying with family or friends until alternative affordable housing can be secured, experiencing challenges with securing alternative housing because of an eviction record, commuting longer distances to work because of where alternative affordable housing is available, disruptions to child school attendance and education, difficulty securing new child care providers, mental health trauma, and needing to make difficult financial decisions about basic needs (e.g., paying back rent owed or purchasing a medically necessary prescription).

### *Evictions Connection to Homelessness Causes Fiscal Costs for Shelter Systems and Other Supports*

States often provide a variety of housing social safety net responses to people experiencing homelessness, such as emergency shelter, transitional housing, rapid re-housing, and permanent supportive housing.

The Massachusetts Housing and Shelter Alliance estimates that a homeless individual residing in Massachusetts creates an additional cost burden for state-supported services (shelter, emergency room visits, incarceration, etc.) that is \$9,372 greater per year than an individual who has stable housing.<sup>128</sup> Each time a family experiencing homelessness enters a state-run emergency shelter, the cost to the state is estimated at \$26,620.<sup>129</sup> Data from the HomeStart Program in Massachusetts indicates that the cost to prevent an eviction, negotiate back-rent owed, and provide a family with stabilization services is approximately \$2,000 (compared to the emergency shelter cost of \$26,620 per year).<sup>130</sup>

The Central Florida Commission on Homelessness has reported that the region spends \$31,000 per year per person experiencing homelessness on law enforcement, jail, emergency room, and hospitalization for medical and psychiatric issues.<sup>131</sup>

The City of Boise, Idaho reported that costs associated with chronic homelessness are \$53,000 per person experiencing homelessness annually including day shelters, overnight shelters, policing / legal, jail, transportation, emergency medical services and drug and alcohol

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<sup>128</sup> Wood-Boyle, Linda. "Facing Eviction: Homelessness Prevention for Low-Income Tenant Households." Federal Reserve Bank of Boston. December 1, 2014.

<sup>129</sup> Ibid.

<sup>130</sup> Eviction Prevention. HomeStart.org.

<sup>131</sup> Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.



treatment.<sup>132</sup> In contrast, providing people experiencing homelessness with permanent housing and case managers would cost approximately \$10,000 per person annually.<sup>133</sup>

By way of comparison, MaineHousing, the state agency providing public and private housing to low- and moderate-income tenants in Maine, found that the average annual cost of services per person experiencing homelessness to be \$26,986 in the greater Portland area and \$18,949 statewide.<sup>134</sup> The services contemplated in the average annual cost were associated with: physical and mental health, emergency room use, ambulance use, incarceration, and law enforcement.<sup>135</sup>

Investing in eviction prevention helps a community save valuable resources by preventing homelessness before it starts.<sup>136</sup> A three-year study by RAND Corporation found that providing housing for very sick individuals experiencing homelessness saved taxpayers thousands of dollars by reducing hospitalization and emergency room visits.<sup>137</sup> For every dollar invested in the program, the Los Angeles County government saved \$1.20 in health care and social service costs.<sup>138</sup>

### *Eviction Can Lead to Costs Associated with Unsheltered Populations*

In addition to costs related to sheltering people who are experiencing homelessness, jurisdictions bear significant costs related to people who are experiencing unsheltered homelessness. A person is experiencing unsheltered homelessness if they are living somewhere not meant for human habitation (e.g., tents, cars, recreational vehicles without electricity or sanitation connections, sidewalks, abandoned buildings, and other public spaces).<sup>139</sup> In 2019, the U.S. Department of Health and Human Services and the U.S. Department of Housing and Urban Development commissioned a study of the costs to four cities (Chicago, Houston, San Jose, and Tacoma) that were working to reduce encampments used by people experiencing unsheltered homelessness and providing services to people experiencing unsheltered

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<sup>132</sup> Crossgrove Fry, Vanessa. “Reducing Chronic Homeless via Pay for Success, A Feasibility Report for Ada County, Idaho.” City of Boise. N.d.

<sup>133</sup> Santich, Kate. “Cost of homelessness in Central Florida? \$31k per person.” Orlando Sentinel. May 21, 2014.

<sup>134</sup> Acquisto, Alex and Rhoda, Erin. “The \$132k idea that could reduce Bangor’s eviction problem.” Bangor Daily News. September 24, 2018.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Holland, Gale. “Study find L.A. County saves money by housing sick homeless people.” Los Angeles Times. December 4, 2017.

<sup>138</sup> Ibid.

<sup>139</sup> Dunton, Lauren et al. “Exploring Homelessness Among People Living in Encampments and Associated Cost: City Approaches to Encampments and What They Cost.” U.S. Department of Housing and Urban Development, Office of Policy Development and Research. February 2020.

homelessness.<sup>140</sup> The cost to reduce encampments and provide services ranged from \$1,672 to \$6,208 per unsheltered person per year.<sup>141</sup> The overall annual cost to the cities ranged from approximately \$3.4 million (Houston) to approximately \$8.6 million (San Jose).<sup>142</sup> Figure 2 shows these costs.

	Total spending on encampment activities, FY 2019	Unsheltered homeless population, 2019	Cost per unsheltered homeless person, 2019
Chicago	\$ 3,572,000	1,260	\$2,835
Houston	\$ 3,393,000	1,614	\$2,102
Tacoma	\$ 3,905,000	629	\$6,208
San Jose	\$ 8,557,000	7,922	\$1,080

<sup>1</sup> The unsheltered homeless population for Chicago is for the city, whereas the numbers for Houston, San Jose, and Tacoma include the surrounding counties (Harris, Santa Clara, and Pierce Counties).

Source: City cost data; 2019 CoC Point-in-Time data, HUD

**Figure 2**

Costs incurred by local fire and police departments and emergency medical services were not included, but they can be the largest expenses for cities.<sup>143</sup> These quantifiable costs are not the only costs to cities with responses to the unsheltered population. Providing services takes significant resource-intensive coordination among a variety of stakeholders. For example, the study indicated the following agencies/service providers were involved in responding to people experiencing unsheltered homelessness: sanitation/solid waste/environmental services; homeless services providers offering assistance with case management, medical and mental health services, substance abuse services, food assistance, and financial assistance; departments of public health; departments of transportation; airport authorities; parks departments; public utility companies; fire departments; city management departments; outreach teams; and police departments.<sup>144</sup>

Stout is collecting data in its eviction right to counsel program evaluations in other jurisdictions to understand more fully where people believe they will go if they were evicted and has found that between approximately 10% and 20% eviction right to counsel clients seeking representation indicate they will likely live unsheltered if they are evicted.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

## *Eviction Can Cause Employment and Housing Instability*

Eviction can lead to job loss making it more difficult to find housing, further burdening an already struggling family. Matthew Desmond, author of *Evicted: Poverty and Profit in the American City*, describes how job loss and eviction can be interconnected. When an evicted tenant does not know where their family will sleep the next night, maintaining steady employment is unlikely. If the evicted tenant is unemployed, securing housing after being evicted may take precedence over securing a job. If the evicted tenant is employed, the instability created by eviction often affects work performance and may lead to absenteeism, causing job loss.<sup>145</sup> The period before an eviction may be characterized by disputes with a rental property owner or stressful encounters with the court system.<sup>146</sup> These stressors can cause workers to make mistakes as they are preoccupied with non-work matters.<sup>147</sup> After an eviction, workers may need to miss work to search for new housing, and because they now have an eviction record, finding a rental property owner willing to rent to them may increase the time it takes to secure new housing.<sup>148</sup> Workers may need to live farther from their jobs, increasing the likelihood of tardiness and absenteeism.<sup>149</sup> A recent Harvard University study suggests the likelihood of being laid off to be 11 to 22 percentage points higher for workers who experienced an eviction or other involuntary move compared to workers who did not.<sup>150</sup>

A similar analysis in Wisconsin, the Milwaukee Area Renters Study, found that workers who involuntarily lost their housing were approximately 20% more likely to subsequently lose their jobs compared to similar workers who did not.<sup>151</sup> Approximately 42% of respondents in the Milwaukee Area Renters Study who lost their job in the two years prior to the study also experienced an involuntary move.<sup>152</sup> The impact of job loss and eviction disproportionately affects Black people who face significant discrimination in both the housing and labor markets.<sup>153</sup>

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<sup>145</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*. February 24, 2015.

<sup>146</sup> Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> Desmond, Matthew. "Unaffordable America: Poverty, housing, and eviction." Institute for Research on Poverty. March 2015.

<sup>152</sup> Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

<sup>153</sup> Ibid.

Eviction not only adversely affects unemployed and employed tenants' job prospects but also their earnings and the potential future earnings of children. A study of eviction filings from 2007 to 2016 in New York City sought to assess whether evictions contributed substantially to poverty by analyzing the effect of evictions on earnings and employment.<sup>154</sup> Eviction filing data was linked to Medicaid, Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program, and other New York City-specific benefits data.<sup>155</sup> The researchers found that eviction was associated with between \$1,000 and \$3,000 reduction in total earnings in the one to two years post-filing.<sup>156</sup> Robin Hood estimates a child's average future earnings could decrease by 22% if the child experienced juvenile delinquency, which can be associated with the disruption to families from eviction.<sup>157</sup> When families and children earn less (now or in future periods) the associated financial strains can result in various costs to the cities and communities in which they live. Research has shown that forced moves can perpetuate generational poverty and further evictions.<sup>158</sup> In addition, the reduction in earning capacity for these families can increase the demand on various social services provided by these cities and communities. Further, cities lose the economic benefit of these wages, including the economic stimulus of community spending and potential tax revenue. These impacts – potential earning capacity, generational poverty, and other economic consequences – are long-term and incredibly challenging to reverse.

### *Eviction Can Impair Tenants' Ability to Re-Rent and Harm Credit Scores*

Tenants with an eviction case brought against may have the case on their record whether they are ultimately evicted or not. This information is easily accessible, free, and used by rental property owners and tenant screening companies to create tenant blacklists, making it difficult for tenants with eviction records to re-rent and exacerbating housing discrimination.<sup>159</sup> Data aggregation companies are now creating “screening packages” that rental property owners can

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<sup>154</sup> Collinson, Robert and Reed, Davin. “The Effects of Evictions on Low-Income Households.” New York University Law. December 2018. And Collinson, Robert et al. “Eviction and Poverty in American Cities.” National Bureau of Economic Research. August 2022.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> Robin Hood is a New York City based non-profit organization that provides funding to more than 200 programs across New York City. <https://www.robinhood.org/what-we-do/metrics/>

<sup>158</sup> Lundberg, Ian and Donnelly, Louis. “A Research Note on the Prevalence of Housing Eviction among Children Born in U.S. Cities.” Princeton University, Woodrow Wilson School of Public and International Affairs, Center for Research on Child Wellbeing. 2019.

<sup>159</sup> Desmond, Matthew. “Unaffordable America: Poverty, housing, and eviction.” Institute for Research on Poverty. March 2015.

use to select their tenants.<sup>160</sup> These packages often include a full credit report, background check, and an eviction history report. Using data and technology to streamline and automate the screening process will only exacerbate the impact of eviction on tenants. One data aggregation company stated, “it is the policy of 99% of our [landlord] customers in New York to flat out reject anybody with a landlord-tenant record, no matter what the reason is and no matter what the outcome is.”<sup>161</sup> In cities where there is a right to counsel, the number of eviction filings has declined, indicating that a right to counsel can also reduce the harmful effects of being exposed to the eviction process regardless of case outcomes. Many rental property owners and public housing authorities will not rent to tenants who have been recently evicted. Therefore, renters with an eviction on their record will often be forced to find housing in less desirable neighborhoods that lack adequate access to public transportation, are farther from their jobs, have limited or no options for child care, and lack grocery stores.<sup>162</sup> A University of North Carolina Greensboro study found that 45% of tenants who were evicted had difficulty obtaining decent, affordable housing after their evictions.<sup>163</sup> Additionally, evictions can have a detrimental impact on tenants receiving federal housing assistance, such as Section 8 vouchers. In some cases, court-ordered evictions may cause a housing authority to terminate the tenant’s Section 8 voucher or render the tenant ineligible for future federal housing assistance.<sup>164</sup> Rental property owners often view a potential tenant’s credit score as a key factor in determining whether they want to rent to the potential tenant. A low credit score caused by a past eviction can make it exceedingly difficult for renters to obtain suitable housing.<sup>165</sup> A tenant who was

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<sup>160</sup> Greene, Kimberly. “Online screening process gives landlords peace of mind.” Mortgage Professional America. November 12, 2019.

<sup>161</sup> Kleysteuber, Rudy. “Tenant Screening Thirty Years Later: A Statutory Proposal To Protect Public Records.” The Yale Law Journal. 2007. Referencing Rogers, Teri Karush. “Only the Strongest Survive.” The New York Times. November 26, 2006 (quoting Jake Harrington, founder of On-Site.com). While the inclination to reject tenant applicants regardless of the outcome of their prior eviction case might appear to nullify the impact of providing representation, system representation may cause a deterrent effect in terms of rental property owners’ decisions of whether to file an eviction in the first place. New York City and San Francisco, which are the only cities where a right to counsel has existed long enough to have data, have both experienced significant declines in their respective eviction filing rates. See: “Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law.” February 24, 2020. & “New York City Residential Eviction Filings Decline.” NYU Furman Center. November 18, 2019.

<sup>162</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” Social Forces. February 24, 2015.

<sup>163</sup> Sills, Stephen J. et al. “Greensboro’s Eviction Crisis.” The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>164</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” Social Forces. February 24, 2015.

<sup>165</sup> An eviction itself is not reported to credit bureaus even if the rental property gains possession, although money judgments are reported. The effects of the eviction may appear on a credit report if the tenant failed to pay rent and the rental property owner sent the delinquency to a collection agency. While there is not a set timeframe for

interviewed in the University of North Carolina Greensboro study stated, “it [eviction] affected my credit and it is hard to get an apartment...three landlords have turned me away.”<sup>166</sup> Damage to a renter’s credit score from an eviction can also make other necessities more expensive since credit scores are often considered to determine the size of initial deposit to purchase a cell phone, cable and internet, and other basic utilities.<sup>167</sup> Another tenant from the University of North Carolina Greensboro study stated, “I have applied for at least three different places and was turned down because of the recent eviction. The only people I can rent from now are slumlords who neglect their properties. The ones that don’t even care to do any kind of record check.”<sup>168</sup> In Milwaukee, tenants who experienced an involuntary move were 25% more likely to have long-term housing instability compared to other low-income tenants.<sup>169</sup> A 2018 survey of tenants who had been evicted in Seattle found that 80% of survey respondents were denied access to new housing because of a previous eviction, and one-third of respondents were not able to re-rent because of a monetary judgment from a previous eviction.<sup>170</sup>

The Consumer Financial Protection Bureau released an Enforcement compliance bulletin reminding rental property owners, consumer reporting agencies, and others of their obligations to accurately report rental and eviction information.<sup>171</sup> Without a lawyer, it may be challenging for tenants to dispute inaccurate rental and eviction information they find on their credit reports. Having accurate credit reports is particularly relevant in the current economic climate of increasing rents and low vacancy rates. Stout has learned through its eviction right to counsel evaluations in other jurisdictions that rental property owners often use past eviction filings, regardless of the outcome of the case or the circumstances involved, as a leading indicator of risk.

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when this information appears on a credit report, the item is treated like any other delinquent debt. It will remain there for seven years from the date of delinquency, even if it is paid off. There are also screening reports that rental property owners use that report eviction data, criminal records, etc. See <https://aaacreditguide.com/eviction-credit-report/>.

<sup>166</sup> Sills, Stephen J. et al. “Greensboro’s Eviction Crisis.” The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>167</sup> [https://www.investopedia.com/terms/c/credit\\_score.asp](https://www.investopedia.com/terms/c/credit_score.asp).

<sup>168</sup> Sills, Stephen J. et al. “Greensboro’s Eviction Crisis.” The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>169</sup> Desmond, Matthew. “Evicted: Poverty and Profit in the American City.” 2016.

<sup>170</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>171</sup> “As Federal Eviction Protections Come to an End, CFPB Warns Landlords and Consumer Reporting Agencies to Report Rental Information Accurately.” Consumer Financial Protection Bureau. July 2021.

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### *Eviction Can Arise from Unpaid Utility Bills*

Non-payment of utilities can result in eviction and the loss of housing vouchers.<sup>172</sup> A recent study of the costs of eviction in Seattle connected income instability and having unpaid utility or property tax bills to possible eviction.<sup>173</sup> After an income disruption (i.e., job loss, health emergency, unexpected expenses), financially insecure households are three times more likely to miss a utility payment and 14 times more likely to be evicted than financially secure households.<sup>174</sup> In 2011, the average electric bill in Houston, Texas was found to be more than \$200 per month during the summer, making utility payments a barrier to maintaining housing for low-income renters.<sup>175</sup> Furthermore, some rental assistance programs in Houston calculate a “utility allowance,” which often do not fully cover true utility costs, leaving tenants at risk of eviction if utility bills are unpaid.<sup>176</sup>

### *Eviction is Connected to Physical Health Impacts*

A significant body of research has documented the connection between health and housing. Substandard housing conditions are associated with a variety of health conditions, such as respiratory infections, asthma, and lead poisoning.<sup>177</sup>

An analysis of the 2015 American Housing Survey data, which included specific questions on asthma and asthma triggers in the home, indicated that: (1) households with children are more likely to have at least one child with asthma when they also report exposure to smoke, mold, and leaks in their home; (2) renters with children are more likely to have asthma triggers in their homes than owners; and (3) households receiving rental subsidies (e.g., vouchers, rental assistance, or living in public housing) have higher exposure to indoor asthma triggers than other low-income renters not receiving rental subsidies and are more likely to have at least one child with asthma.<sup>178</sup>

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<sup>172</sup> Ibid.

<sup>173</sup> Elliot, Diana and Kalish, Emma. “The Cost of Eviction and Unpaid Bills of Financially Insecure Families for City Budget.” Urban Institute. January 2017.

<sup>174</sup> Ibid.

<sup>175</sup> “Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties.” Coalition for the Homeless Houston/Harris County. 2011.

<sup>176</sup> Ibid.

<sup>177</sup> Krieger, James and Higgins, Donna. “Housing and Health: Time Again for Public Health Action.” American Journal of Public Health. 2002.

<sup>178</sup> Ganesh, Bhargavi et al. “The Relationship between Housing and Asthma among School-Age Children.” Urban Institute. October 2017.

Like asthma, housing instability can affect the health of family members of all ages.<sup>179</sup> Researchers at Boston Medical Center found that caregivers of young children in unstable low-income housing are two times more likely than those in stable housing to be in fair or poor health, and almost three times more likely to report symptoms of depression. Children aged four and under in these families had almost a 20% higher risk of hospitalization, and more 25% higher risk of developmental delays.<sup>180</sup> Another study of caregivers to children found that, of more than 22,000 families served by medical centers over a six-year study period, approximately 34% had at least one of the following adverse housing circumstances: 27% had been behind on rent; 12% had experienced homelessness; and 8% had moved at least twice in the previous 12 months.<sup>181</sup> A recent study published by the American Academy of Pediatrics examining the effects of homelessness on pediatric health found that the stress of both prenatal and postnatal homelessness was associated with increased negative health outcomes compared to children who never experienced homelessness.<sup>182</sup> A study of nearly 10,000 mothers in five U.S. cities found that prenatal homelessness was associated with a higher likelihood of low birth weight and preterm delivery.<sup>183</sup> Researchers from Harvard and Princeton (in conjunction with the Public Health Institute of Basel, Switzerland) had similar findings in their study of eviction filings: experiencing an eviction filing during pregnancy was associated with an increased risk of low birth weight and premature birth.<sup>184,185</sup> Furthermore, Black mothers who are experiencing homelessness have worse birth outcomes than other mothers who are experiencing homelessness – a reflection of the disparate health outcomes generally experienced by the Black population.<sup>186</sup>

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<sup>179</sup> Butera, Candace. “The Burden of a Late Rent Check Can Harm the Health of Both Parents and Kids.” *Pacific Standard*. January 23, 2018.

<sup>180</sup> *Ibid.*

<sup>181</sup> Sandel, Megan, et al. “Unstable Housing and Caregiver and Child Health in Renter Families.”

<sup>182</sup> Sandel, Megan, et al. “Timing and Duration of Pre- and Postnatal Homelessness and the Health of Young Children.” *The American Academy of Pediatrics*. September 2018.

<sup>183</sup> Cutts, Diana B. et al. “Homelessness During Pregnancy: A Unique, Time-Dependent Risk Factor of Birth Outcomes.” *Maternal and Child Health Journal*. November 2014.

<sup>184</sup> Khadka, Aayush, et al. “In utero exposure to threat of evictions and preterm birth: Evidence from the United States.” *Health Services Research*. 2020.

<sup>185</sup> Himmelstein, Gracie and Desmond, Matthew. “Association of Eviction With Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016.” *JAMA Pediatrics*. March 2021.

<sup>186</sup> Gay Dawes, Elizabeth. “Housing Instability Is an Important (Yet Overlooked) Factor in the Maternal Health Crisis.” *Rewire.News*. April 12, 2018.



A recent study published by the American Academy of Pediatrics explored the impact of formal and informal evictions on households with children and their caregivers.<sup>187</sup> The study describes correlations between households experiencing eviction and:

- Increased likelihood of the caregivers and children experiencing worse health outcomes
- Increased developmental risks among children
- Increased hospital admission among children
- Increased likelihood of the household experiencing food insecurity and inability to afford utilities, healthcare, and childcare.<sup>188</sup>

A 2022 study of a medical-legal partnership in Greater Cincinnati, Ohio found that when lawyers addressed health-related social needs of children, the hospitalization rate for the children decreased approximately 38% following the year of legal assistance compared to children who did not receive legal assistance.<sup>189</sup> Lawyers working within the medical-legal partnership assisted with representing households with children in eviction proceedings, compelling the remediation of substandard rental housing conditions, appealing public benefits denials, and resolving issues with schools about disability accommodations.<sup>190</sup> A 2014 study of mold prevalence in Detroit homes found that the age of the home and mold contamination were positively correlated (i.e., older homes had higher rates of mold contamination).<sup>191</sup> Asthmatic children in Detroit were living in homes with higher than average mold contamination rates than non-Detroit homes.<sup>192</sup> According to a Michigan Department of Health and Human Services report, the prevalence of asthma among Detroit adults is 29% higher than Michigan residents outside of Detroit, and the hospitalization rate for people with asthma in Detroit is three times higher than Michigan residents outside of Detroit.<sup>193</sup>

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<sup>187</sup> Cutts, Diana B. MD. et al. “Eviction and Household Health and Hardships in Families with Very Young Children.” American Academy of Pediatrics. October 2022.

<sup>188</sup> Ibid.

<sup>189</sup> Beck, Andrew F. et al. “Reductions in Hospitalizations Among Children Referred to a Primary Care-Based Medical-Legal Partnership.” Health Affairs. March 2022.

<sup>190</sup> Ibid.

<sup>191</sup> Vesper, Stephen et al. “Use of Medicaid and housing data may help target areas of high asthma prevalence.” Journal of Asthma. 2017.

<sup>192</sup> Ibid.

<sup>193</sup> DeGuire, Peter et al. “Detroit: The Current Status of the Asthma Burden.” Michigan Department of Health and Human Services Bureau of Disease Control, Prevention and Epidemiology. March 2016.

A 2016 Canadian study found that eviction specifically is associated with increased odds of having detectable viral loads among people living with HIV and increased rates of illicit drug use and relapse.<sup>194</sup>

Families who are evicted often relocate to neighborhoods with higher levels of poverty and violent crime.<sup>195</sup> Researchers at Boston Medical Center and Children’s Hospital found that homes with vermin infestation, mold, inadequate heating, lead, and in violent areas were connected to increased prevalence of respiratory disease, injuries, and lead poisoning in children.<sup>196</sup> Living in a distressed neighborhood can negatively influence a family’s well-being.<sup>197</sup> Moreover, families experiencing eviction who are desperate to find housing often accept substandard living conditions that can bring about significant health problems.<sup>198</sup> The primary health outcome found to be related to housing is respiratory health, which is measured by the presence of respiratory disease or by lung function.<sup>199</sup> Housing conditions that are respiratory health factors include cold temperatures, humidity, and ventilation – all of which contribute to the growth of mold, fungi, and other microorganisms.<sup>200</sup> Living in these conditions can result in wheezing, aches and pains, gastrointestinal issues, headaches, and fever.<sup>201</sup> Data from the Third National Health and Nutrition Examination Survey estimated that housing environments exacerbate the effects of asthma in 40% of children.<sup>202</sup>

Researchers in Boston analyzed ten years of tenant complaints to the city regarding mold, pest infestation, and other substandard housing conditions. After adjusting for income and other neighborhood characteristics, they found tenant race was a significantly associated with the incidences of housing conditions that trigger asthma.<sup>203</sup> For every 10% decrease in the proportion of White residents in a neighborhood, the incidence of housing conditions that

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<sup>194</sup> “Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic.” Robert Wood Johnson Foundation. April 2021. Referencing Kennedy, Mary Clare et al. “Residential Eviction and Risk of Detectable Plasma HIV-1 RNA Viral Load Among HIV-Positive People Who Use Drugs.” *AIDS Behavior*. February 2016.

<sup>195</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

<sup>196</sup> “Not Safe at Home: How America’s Housing Crisis Threatens the Health of Its Children.” The Doc4Kids Project, Boston Medical Center and Children’s Hospital. 1998.

<sup>197</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

<sup>198</sup> *Ibid.*

<sup>199</sup> Shaw, Mary. “Housing and Public Health.” Department of Social Medicine, University of Bristol. October 2003.

<sup>200</sup> *Ibid.*

<sup>201</sup> *Ibid.*

<sup>202</sup> Sandel, Megan and Desmond, Matthew. “Investing in Housing for Health Improves Both Mission and Margin.” *The Journal of the American Medical Association*. 2017.

<sup>203</sup> Lemire, Evan et al. “Unequal Housing Conditions and Code Enforcement Contribute to Asthma Disparities in Boston, Massachusetts.” *Health Affairs*. April 2022.

trigger asthma increased by approximately three reports per 1,000 residents.<sup>204</sup> Not only were incidence of asthma triggers higher in low-income, racially diverse neighborhoods, but response times by the city to these complaints were longer.<sup>205</sup> In neighborhoods with the lowest proportions of White residents, the response time to complaints was 17% (3.5 days) slower than the median response in neighborhoods with the highest proportions of White residents.<sup>206</sup> Complaints in neighborhoods with the lowest proportions of White residents were also approximately 14% more likely of being flagged as overdue for a response and approximately 54% less likely to have been repaired than complaints in neighborhoods with the highest proportions of White residents.<sup>207</sup>

While mold is often a cause of asthma, it is also a food source for dust mites, which are a known allergen.<sup>208</sup> In addition to causing respiratory health issues, exposure to lead can have irreversible health impacts. Because lead is more prevalent in older and substandard housing, lead poisoning must also be viewed as a manifestation of the affordable housing crisis.<sup>209</sup> According to the Centers for Disease Control and Prevention, children who live in households at or below the federal poverty level and those living in housing built before 1978 are at the greatest risk of exposure.<sup>210</sup> Children of color are also at a higher risk of lead exposure attributable in significant part to the longstanding effects racist housing policies including redlining, which have exacerbated other historical inequities in accessing safe and healthy housing.<sup>211</sup> Even at low levels of exposure, lead causes brain and nervous system damage including: impaired growth, hyperactivity, reduced attention span, intellectual and developmental disabilities, hearing loss, insomnia, and behavioral issues.<sup>212</sup> Researchers from Harvard recently studied the connection between eviction and lead poisoning by analyzing data from the national Fragile Families & Child Wellbeing Study. Children evicted in their first year of life were predicted to have approximately a 10% likelihood of being diagnosed with lead poisoning by age three compared to approximately a 5% likelihood if they were not evicted.<sup>213</sup> Future evictions were shown to exacerbate this disparity. Between ages three and five, children

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<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Shaw, Mary. "Housing and Public Health." Department of Social Medicine, University of Bristol. October 2003.

<sup>209</sup> "Lead." National Center for Healthy Housing. N.d.

<sup>210</sup> "Childhood Lead Poisoning Prevention." Centers for Disease Control and Prevention. November 2020.

<sup>211</sup> Ibid.

<sup>212</sup> "Lead." National Center for Healthy Housing. N.d.

<sup>213</sup> Schwartz, Gabriel. "Cycles of Disadvantage: Eviction and Children's Health in the United States." Harvard University. 2020.

evicted in both the first and third years of life were predicted to have an 11% likelihood of being newly diagnosed with lead poisoning compared to a 2% likelihood if they were never evicted.<sup>214</sup>

Although already well-documented, the COVID-19 pandemic has created further evidence of the connection between housing and health. Housing instability undermines crucial infection prevention strategies deployed throughout the pandemic, exacerbating the health consequences of eviction.<sup>215</sup> Research has shown that eviction and displacement are associated with increased COVID-19 infection and mortality rates.<sup>216</sup> Eviction and displacement lead to overcrowding, doubling up, and homelessness, which all increase contact with other people and make social distancing challenging.<sup>217</sup> While most people who experience eviction do not immediately enter shelter and instead double up with friends and family, these living arrangements increase the likelihood of exposure to COVID-19 and are compounded by members of these households who are often working essential jobs with a higher risk of exposure.<sup>218</sup> Research has demonstrated that eviction and housing instability are associated with a variety of comorbidities – increased incidence of high blood pressure, heart disease, respiratory illnesses, sexually transmitted infections, and drug use.<sup>219</sup> These comorbidities, in combination with the inability to socially distance, puts people who have been evicted or who are experiencing housing instability at increased risk of contracting, spreading, and dying from COVID-19.<sup>220</sup>

Although the pandemic has moved into a phase with less intensive responses (e.g., social distancing, business and school closures, mask mandates, eviction moratoria), renters with low incomes may still be at increased risk of contracting COVID-19, which can have severe consequences, such as eviction arising from employment loss or a reduction in hours. These impacts will likely persist as will the associated disruptions so long as COVID-19 remains highly transmissible and capable of significant impacts to health.

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<sup>214</sup> Ibid.

<sup>215</sup> “Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic.” Robert Wood Johnson Foundation. April 2021.

<sup>216</sup> Nande, Anjalika et al. “The effect of eviction moratoria on the transmission of SARS-CoV-2.” medRxiv. November 2020.

<sup>217</sup> Benfer, Emily et al. “Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy.” Journal of Urban Health. January 2021.

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

## *Eviction is Connected to Mental Health Impacts*

An Associate Professor of Pediatrics at Drexel University College of Medicine testified at a Philadelphia City Council hearing that, “science has shown that children who live in stressful environments, such as substandard housing, the threat of eviction, homelessness and poverty, have changes in their neurological system that affects their ability to learn, to focus, and to resolve conflicts.”<sup>221</sup> Professor Daniel Taylor also stated that this “toxic stress” affects many of the body’s critical organ systems resulting in an increased prevalence of behavioral issues, diabetes, weight issues, and cardiovascular disease.<sup>222</sup> Furthermore, major life stressors have been found to increase rates of domestic violence.<sup>223</sup> According to a nationwide survey of domestic violence shelters and programs, approximately 41% of respondents indicated evictions and home foreclosures as a driver of increased demand for domestic violence services.<sup>224</sup> In Seattle, approximately 38% of survey respondents who had experienced eviction reported feeling stressed, 8% experienced increased or new depression, anxiety, or insomnia, and 5% developed a heart condition they believed to be connected to their housing instability.<sup>225</sup> Among respondents who had school-age children, approximately 56% indicated that their children’s health suffered “very much” as a result of eviction, and approximately 33% indicated that their children’s health suffered “somewhat” for a total of 89% of respondents’ children experiencing a negative health impact because of eviction.<sup>226</sup> A recent study in Cleveland by Case Western University found that approximately 21% of interviewed tenants facing eviction self-reported that they were experiencing poor health.<sup>227</sup> Forty-five percent of interviewed tenants reported that they had been mentally or emotionally impacted by the eviction process and that their children were also mentally or emotionally impacted.<sup>228</sup>

A survey of approximately 2,700 low-income mothers from 20 cities across the country who experienced an eviction consistently reported worse health for themselves and their children,

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<sup>221</sup> Taylor, Daniel R. Testimony Presented to City Council Committee on Licenses and Inspections and the Committee on Public Health and Human Services Regarding Resolution 160988. March 20, 2017.

<sup>222</sup> *Ibid.*

<sup>223</sup> Makepeace, J. “Life Events Stress and Courtship Violence.” *Family Relations*. January 1983.

<sup>224</sup> “Homeless Service Utilization Report.” Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010. Referencing “Domestic Violence Counts 2009: A 24-Hour Census of Domestic Violence Shelters and Services.” National Network to End Domestic Violence. 2009.

<sup>225</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>226</sup> *Ibid.*

<sup>227</sup> “The Cleveland Eviction Study: Observations in Eviction Court and the Stories of People Facing Eviction.” Center on Urban Poverty and Community Development, Case Western University. October 2019.

<sup>228</sup> *Ibid.*

including increased depression and parental stress.<sup>229</sup> These effects were persistent. Two years after experiencing eviction, mothers still had higher rates of material hardship and depression than mothers who had not experienced eviction.<sup>230</sup> In a study of the effects of forced displacement in Boston’s West End, approximately 46% of women and 38% of men expressed feelings of grief or other depressive reactions when asked how they felt about their displacement.<sup>231</sup> A study on the effects of eviction in Middlesex County, Connecticut included interviews with individuals who had experienced an eviction. In almost every case, interviewees expressed that their eviction negatively impacted their physical and mental health.<sup>232</sup> Approximately two-thirds of interviewees reported feeling more anxious, depressed, or hopeless during the eviction process.<sup>233</sup> Individuals who had previously struggled with mental health issues reported that the stress from the eviction exacerbated their conditions with three interviewees reporting hospitalization for mental health issues following their evictions.<sup>234</sup> Inadequate sleep, malnourishment, physical pain, and increased use of drugs and alcohol were also cited by the interviewees.<sup>235</sup>

As with many of the negative impacts of eviction, both physical and mental health issues can be long-term, difficult to reverse, and extremely costly to treat. A study of Medicaid recipients in New Jersey found that health care spending for Medicaid recipients who were experiencing homelessness were between 10% and 27% higher than Medicaid recipients who were stably housed, all else equal.<sup>236</sup> The 10 to 27% increase in Medicaid spending for individuals experiencing homelessness equates to an additional \$1,362 to \$5,727, of which at least 75% is attributed to inpatient hospital and emergency department services.<sup>237</sup> A study in Michigan found that Medicaid spending for adults experiencing homelessness was 78% higher than the statewide average and 26% higher for children experiencing homelessness than the statewide average.<sup>238</sup>

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<sup>229</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

<sup>230</sup> *Ibid.*

<sup>231</sup> Fried, Marc. “Grieving for a Lost Home: Psychological Costs of Relocation.” The MIT Press. 1966.

<sup>232</sup> Babajide, Rilwan, et. al. “Effects of Eviction on Individuals and Communities in Middlesex County.” The Middlesex County Coalition on Housing and Homelessness. May 12, 2016.

<sup>233</sup> *Ibid.*

<sup>234</sup> *Ibid.*

<sup>235</sup> *Ibid.*

<sup>236</sup> Cantor, Joel C. et al. “Medicaid Utilization and Spending among Homeless Adults in New Jersey: Implications for Medicaid-Funded Tenancy Support Services.” *The Milbank Quarterly*. January 22, 2020.

<sup>237</sup> *Ibid.*

<sup>238</sup> Spellman, Brooke, et. al. “Costs Associated With First-Time Homelessness for Families and Individuals.” U.S. Department of Housing and Urban Development, Office of Policy Development and Research. March 2010.

The American Journal of Preventive Medicine recently published a research article examining the intersection of eviction and health care utilization / access in New York City. Over a 6-month period, Medicaid enrollees who were evicted made 32% fewer prescription fills, 40% fewer ambulatory care visits, and 22% more acute care visits.<sup>239</sup> A 2016 study of more than 1,600 Medicaid enrollees found that when these enrollees lived in affordable housing, overall health care expenditures decreased by 12% and emergency department visits decreased by 18%.<sup>240</sup>

The connection between housing stability and a household's mental and physical health is evident. Safe, habitable homes are important, especially in times of crisis when mental and physical health issues may become exacerbated. During the COVID-19 pandemic, numerous cities and states throughout the country instituted eviction moratoriums, recognizing the crucial role housing plays in public health and safety.<sup>241</sup> Researchers from the University of California, Los Angeles' Ziman Center for Real Estate found that renters reported better mental health as the eviction moratoriums progressed, particularly the mental health of Black renters.<sup>242</sup> Each additional week that eviction moratoriums were in place, the share of Black renter households who reported "feeling anxious" decreased by approximately 2%.<sup>243</sup>

### *Eviction Can be a Cause of Suicide*

In 2015, the American Journal of Public Health published the first comprehensive study of housing instability as a risk factor for suicide.<sup>244</sup> Researchers identified 929 eviction- or foreclosure-related suicides, which accounted for 1% to 2% of all suicides and 10% to 16% of all financial-related suicides from 2005 to 2010.<sup>245</sup> In 2005, prior to the 2009 housing crisis, there were 58 eviction-related suicides.<sup>246</sup> At the peak of the housing crisis in 2009, there were 94 eviction-related suicides, an increase of 62% from 2005.<sup>247</sup> These statistically significant increases were observed by researchers relative to the frequency of all other suicides during the

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<sup>239</sup> Schwartz, Gabriel L. et al. "Eviction, Healthcare Utilization, and Disenrollment Among New York City Medicaid Patients." American Journal of Preventive Medicine. 2022.

<sup>240</sup> "Health in Housing: Exploring the Intersection between Housing and Health Care." Center for Outcomes Research and Education and Enterprise Community Partners, Inc. February 2016.

<sup>241</sup> Parker, Will. "Coronavirus Outbreak Pushed Local Governments to Freeze Home Evictions." The Wall Street Journal. March 22, 2020.

<sup>242</sup> An, Xudong et al. "More Than Shelter: The Effects of Rental Eviction Moratoria on Household Well-Being." SSRN. July 2021.

<sup>243</sup> Ibid.

<sup>244</sup> Fowler, Katherine A. et al. "Increase in Suicides Associated With Home Eviction and Foreclosure During the US Housing Crisis: Findings From 16 National Violent Death Reporting System States, 2005-2010." American Journal of Public Health. February 2015.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

<sup>247</sup> Ibid.

same period and relative to suicides associated with general financial hardships, suggesting that the increase in eviction- or foreclosure-related suicides was not only a part of a general increase in the number of suicides.<sup>248</sup> After the housing crisis, eviction-related suicides began to return to pre-crisis levels. Approximately 79% of suicides occurred before the actual loss of housing, and 39% of people taking their lives had experienced an eviction- or foreclosure-related crisis (e.g., eviction notice, court hearing, vacate date) within two weeks of the suicide.<sup>249</sup> A 2012 analysis of online court record archives that linked court records to suicide deaths found that in an urban county, nearly a third of suicide victims had recent court involvement – twice the proportion of the control group.<sup>250</sup> Foreclosure was associated with a threefold increase in the risk of suicide.<sup>251</sup>

### *Eviction Can Cause Excess Mortality*

According to The National Health Care for the Homeless Council, people experiencing homelessness have higher rates of illness and die, on average, 12 years sooner than the general population.<sup>252</sup> A 7-year study of people experiencing homelessness in New York City who were living in emergency shelter found that their age-adjusted mortality rate was 4 times higher than the general population.<sup>253</sup>

The National Health Care for the Homeless Council (the Council) conducted a literature review of studies related to premature death among people experiencing homelessness. Several studies reviewed by the Council indicated increased rates of premature death in “zones of mortality” which were characterized by high poverty rates, concentrations of people experiencing homelessness, emergency shelters, and substandard housing conditions.<sup>254</sup>

A 19-year study by researchers at Wayne State University of Medicine compared the health status of older adults in Detroit to older adults in Michigan outside of Detroit. The analysis, titled *Dying Before Their Time*, found that older adults living in Detroit die at twice the rate of

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<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

<sup>250</sup> Cook, Thomas Bradley and Davis, Mark. “Assessing Legal Strains and Risk of Suicide Using Archived Court Data.” Center for Health Disparities Research & Education. August 2012.

<sup>251</sup> Ibid.

<sup>252</sup> “Homelessness & Health: What’s the Connection?” National Health Care for the Homeless Council. February 2019.

<sup>253</sup> Barrow, Susan M and Struening, Elmer L. “Mortality Among Homeless Shelter Residents in New York City.” *American Journal of Public Health*. April 1999.

<sup>254</sup> O’Connell, James J. “Premature Mortality in Homeless Populations: A Review of the Literature.” National Health Care for the Homeless Council. December 2005.



those living in Michigan outside of Detroit.<sup>255</sup> The researchers identified social determinants of health as a major cause of excess death in Detroit.<sup>256</sup> Social determinants of health, one being housing, influence between 60% and 70% of individual and community wellbeing.<sup>257</sup>

### *Eviction Impacts the Education of Children*

When families are evicted, children experience a variety of disruptions that can negatively impact their education and behavior. When children succeed in school, it is often indicative of their needs being met in other areas of their lives.<sup>258</sup>

The National Assessment of Education Progress, known as “the Nation’s Report Card,” suggests that children who frequently change schools (i.e., more than twice in the preceding 18 months) are half as likely to be proficient in reading as their stable peers.<sup>259</sup> A study of third grade students who frequently changed schools found that students without stable housing were approximately twice as likely to perform below grade level in math compared to stably housed students.<sup>260</sup> Not only do unstably housed students perform worse in reading and math than their stable peers, they are also nearly three times more likely to repeat a grade, and the likelihood that they will graduate is reduced by more than 50%.<sup>261</sup> In Seattle, approximately 88% of survey respondents with school-aged children reported their children’s school performance suffered “very much” because of the eviction the family experienced, and approximately 86% of respondents reported their children had to move schools after the eviction.<sup>262</sup>

In Atlanta, an ongoing program embeds housing attorneys and community advocates in high schools in neighborhoods where many residents are experiencing housing instability.<sup>263</sup> As a

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<sup>255</sup> Smitherman, Herbert C, MD, MPH, FACP, et al. “Dying Before Their Time III 19-Year (1999-2017) Comparative Analysis of Excess Mortality in Detroit (PSA 1-A). Wayne State School of Medicine. July 2020.

<sup>256</sup> Ibid.

<sup>257</sup> Ibid.

<sup>258</sup> “State of the Detroit Child 2010.” Data Driven Detroit. 2010.

<sup>259</sup> Isaacs, Julia and Lovell, Phillip. “The Impact of the Mortgage Crisis on Children and Their Education.” First Focus. May 1, 2008., citing Rumberger, Russell. “The Causes and Consequences of Student Mobility.” Journal of Negro Education. 2003.

<sup>260</sup> Isaacs, Julia and Lovell, Phillip. “The Impact of the Mortgage Crisis on Children and Their Education.” First Focus. May 1, 2008., citing “Elementary School Children: Many Change Schools Frequently, Harming Their Education.” United States General Accounting Office Report. 1994.

<sup>261</sup> Ibid. And Isaacs, Julia and Lovell, Phillip. “The Impact of the Mortgage Crisis on Children and Their Education.” First Focus. May 1, 2008., citing Rumberger, 1993.

<sup>262</sup> Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>263</sup> Starnes, Ashleigh and King, Katie. “Standing with Our Neighbors Featured on CBS This Morning.” Atlanta Volunteer Lawyers Foundation. March 23, 2018.

result of this program, the enrollment turnover rate decreased by 25% to 51% in certain schools, and attorneys stopped 20 evictions and assisted with 81 other housing-related cases.<sup>264</sup>

When students miss school, academic achievement can be negatively impacted. Students who are chronically absent during early elementary grades are less likely to be reading proficiently by third grade and more likely to not graduate.<sup>265</sup> These challenges are also experienced by children who change schools frequently due to housing instability or homelessness.<sup>266</sup>

Researchers at University of Michigan Poverty Solutions recently linked economic and housing instability to higher rates of disciplinary action for students. Students who were housed but low-income were suspended nearly three times as frequently as housed students who were low-income (11% v. 4%).<sup>267</sup> Students experiencing homelessness were disciplined at an even higher rate (16%).<sup>268</sup>

Children who frequently move are also more likely to experience behavioral issues. Researchers analyzed survey data from the Mothers and Newborns Study, a longitudinal birth cohort maintained by the Columbia Center for Children’s Environmental Health, to ascertain certain characteristics of children born to approximately 500 mothers.<sup>269</sup> Researchers found that children who experienced housing instability were approximately twice as likely to have thought-related behavioral issues and were approximately one-and-a-half times more likely to have attention-related behavioral health issues than children who were stably housed.<sup>270</sup>

### *Eviction Causes Family Instability Causing Responses from Child Welfare and Foster Care Systems*

Poverty, housing instability, and child welfare/foster care system involvement are connected. Children of parents who are experiencing homelessness are four times more likely to become involved with the child welfare system than low-income, stably housed children.<sup>271</sup>

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<sup>264</sup> Ibid.

<sup>265</sup> “How Chronic Absenteeism Affects Student Achievement.” Edmentum. 2021.

<sup>266</sup> “A Place to Call Home: The Case for Increased Federal Investments in Affordable Housing.” National Low Income Housing Coalition. 2015.

<sup>267</sup> Erb-Downward, Jennifer and Blakeslee, Michael. “Recognizing Trauma: Why School Discipline Reform Needs to Consider Student Homelessness.” University of Michigan Poverty Solutions. May 2021.

<sup>268</sup> Ibid.

<sup>269</sup> “Housing Instability Is Linked to Adverse Childhood Behavior.” Urban Institute. May 8, 2019. Referencing Gaylord, Abigail et al. “Impact of Housing Instability on Child Behavior at Age 7 Years.” International Public Health Journal. July 1, 2018.

<sup>270</sup> Ibid.

<sup>271</sup> “Housing Instability Is Linked to Adverse Childhood Behavior.” Urban Institute. May 8, 2019. Referencing Gaylord, Abigail et al. “Impact of Housing Instability on Child Behavior at Age 7 Years.” International Public Health Journal. July 1, 2018.

Homelessness not only increases the likelihood that a child will be placed in foster care, but also creates barriers to family reunification once a child is placed in foster care or with other family members.<sup>272</sup> According to U.S. Department of Health and Human Services, approximately 10% of children are removed from their homes because of housing issues.<sup>273</sup> With an average annual cost for out-of-home care of \$18,000 per child, the federal government is expected to spend \$972 million on foster care.<sup>274</sup> In contrast, providing housing and in-home services through the Family First Prevention Services Act to keep families together would cost an estimated \$276 million, an annual cost savings of \$696 million.<sup>275</sup> California spends approximately \$167 million annually in federal funds on foster care and services for children separated because of housing instability, but the state could save approximately \$72 million if it could use those funds to ensure housing was readily available when parents are eligible for reunification.<sup>276</sup>

In a survey of 77 families living in Worcester, Massachusetts shelters, approximately 19% of their children were placed in foster care compared to 8% of low-income, housed children in Worcester.<sup>277</sup> Findings from a similar survey of families experiencing homelessness in New York City indicated that 35% of families had an open child welfare case and 20% had one or more children in foster care.<sup>278</sup> A study of approximately 23,000 mothers living in Philadelphia found that approximately 37% of mothers experiencing homelessness became involved with child welfare services within the first five years of a child's birth compared to approximately 9% of mothers living in low-income neighborhoods and 4% of other mothers.<sup>279</sup> The risk of child welfare services involvement at birth is nearly seven times higher for mothers who have ever experienced homelessness than for mothers who have neither experienced homelessness nor are in the lowest 20% bracket of income.<sup>280</sup> Children born into families that have experienced

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<sup>272</sup> "Keeping Families Together." New Mexico Appleseed. 2013.

<sup>273</sup> "The AFCARS Report." U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

<sup>274</sup> Letter from Ruth White of the National Center for Housing & Child Welfare to Assistant Secretary Chang of the U.S. Department of Health & Human Services. March 2021. Referencing NCHCW Cost Analysis 2021.

<sup>275</sup> Ibid.

<sup>276</sup> "The AFCARS Report." U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

<sup>277</sup> Bassuk, E.L., et al. "Homelessness in Female Headed Families: Childhood and Adult Risk and Protective Factors." *American Journal of Public Health*. 1997.

<sup>278</sup> Nunez, R.D. "Hopes, Dreams, and Promise: The Future of Homeless Children in America." Institute for Children and Poverty, Homes for the Homeless Inc. 1994.

<sup>279</sup> Culhane, Jennifer, et. al. "Prevalence of Child Welfare Services Involvement among Homeless and Low-Income Mothers: A Five-year Birth Cohort Study." *Journal of Sociology and Social Welfare*. 2003.

<sup>280</sup> Ibid.

homelessness were placed into foster care in approximately 62% of cases compared to approximately 40% of cases involving low-income families.<sup>281</sup>

Researchers at Case Western Reserve University in Cleveland, Ohio examined the effects of entry into foster care on children’s well-being and future opportunity. The researchers found that of the students in foster care systems, more than 57% were chronically absent at school (i.e., having missed more than 10% of the days enrolled).<sup>282</sup> Additionally, nearly 80% of students involved in both foster care and the juvenile system were cited as being chronically absent.<sup>283</sup> Nine percent of students that had been in foster care had used homelessness services, and 14% of students that were involved in foster care and the juvenile system had used homelessness services.<sup>284</sup> Lastly, the researchers found that, of students involved with the foster care and juvenile systems who began ninth grade, only 23% were still enrolled during twelfth grade compared to 58% of non-system involved students.<sup>285</sup> These factors indicate that students removed from their families are more often absent in school, drop out of school prior to completion, or use homelessness services.

A first of its kind study in Sweden examined to what extent children from evicted households were separated from their families and placed in foster care. The study found that approximately 4% of evicted children were removed from their families compared to 0.3% of non-evicted children.<sup>286</sup> An American study, using a nationally representative longitudinal data set, explored the prevalence of inadequate housing among families under investigation by child welfare services agencies.<sup>287</sup> Findings indicated that inadequate housing contributed to 16% of child removals among families under investigation by child protective services.<sup>288</sup>

The Administration for Children and Families, a division of the U.S. Department of Health and Human Services, issued in January 2021 an Information Memorandum (IM) highlighting the importance of civil legal services in advancing child and family well-being, addressing social determinants of health, and enhancing community resiliency.<sup>289</sup> The IM cites housing, access

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<sup>281</sup> Ibid.

<sup>282</sup> Coulton, Claudia et al. “Policy Research Brief: Effects of Foster Care and Juvenile Justice Involvement on Early Adult Outcomes: A Study of Cleveland’s Youth.” Case Western Reserve University. N.d.

<sup>283</sup> Ibid.

<sup>284</sup> Ibid.

<sup>285</sup> Ibid.

<sup>286</sup> Berg, Lisa. “Evicted children and subsequent placement in out-of-home care: A cohort study.” Centre for Health Equity Studies, Department of Public Health Sciences, Stockholm University. April 18, 2018.

<sup>287</sup> Fowler, PJ, et. al. “Inadequate housing among families under investigation for child abuse and neglect: prevalence from a national probability sample.” American Journal of Community Psychology. 2013.

<sup>288</sup> Ibid.

<sup>289</sup> ACYF-CB-IM-21-02.

to adequate housing, habitability, and eviction as civil legal issues that, if left unresolved, can become a major impediment to keeping families together.<sup>290</sup>

### *Eviction Causes Community Instability*

Researchers have investigated how high eviction rates unravel the social fabric of communities. When evictions take place on a large scale, the effects are felt beyond the family being evicted; a social problem that destabilizes communities occurs.<sup>291</sup> More than middle- and upper-income households, low-income households rely heavily on their neighbors. For example, individuals in low-income communities depend on each other for childcare, elder care, transportation, and security because they cannot afford to pay for these services independently. These informal support networks develop over time, particularly in communities with no or minimal social safety nets.<sup>292</sup> However, these informal support networks are fragile, and when people are displaced from their communities, the networks are more likely to become strained.<sup>293</sup>

The lack of formal social safety net supports is then further exacerbated because the informal support networks that were once there are gone because people providing those supports have been displaced.<sup>294</sup> Thus, people living in these communities can become more susceptible to crises.<sup>295</sup> Matthew Desmond has indicated through his work that eviction can account for high residential instability rates in neighborhoods with high levels of poverty, holding all other factors equal.<sup>296</sup>

Community instability can also manifest due to the association between eviction and interaction with the criminal system. A 2018 first of its kind study analyzed data from the national Fragile Families and Child Wellbeing Study and estimated that mothers who have been evicted are more than twice as likely than mothers who have never been evicted to be involved with the criminal system.<sup>297</sup> This finding is consistent with other studies of housing instability, homelessness, criminal behavior, and incarceration.

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<sup>290</sup> Ibid.

<sup>291</sup> Blumgart, Jake. "To reduce unfair evictions tenants need lawyers." Plan Philly. March 16, 2017.

<sup>292</sup> Mah, Julie. "Gentrification-Induced Displacement in Detroit, Michigan: An Analysis of Evictions." Housing Policy Debate. 2020.

<sup>293</sup> Ibid.

<sup>294</sup> Ibid.

<sup>295</sup> Ibid.

<sup>296</sup> Johns-Wolfe, Elaina. "You are being asked to leave the premises: A Study of Eviction in Cincinnati and Hamilton County, Ohio, 2014-2017." The Cincinnati Project. June 2018. Referencing Desmond, Matthew. "Community in Crisis: Understanding Housing Insecurity." Northern Kentucky University. 2018.

<sup>297</sup> Gottlieb, Aaron and Moose, Jessica W. "The Effect of Eviction on Maternal Criminal Justice Involvement." SAGE. 2018.

# Appendix B-Stout's Profile and Qualifications

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

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

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

Neil Steinkamp is a Managing Director at Stout and a well-recognized expert and consultant on a range of strategic, corporate, and financial issues for businesses, non-profit organizations and community leaders and their advisors. Neil has extensive experience in the development of strategic plans, impact analyses, data evaluation, and organizational change. His work often includes assessments of data reporting, data collection processes, the interpretation or understanding of structured and unstructured data, the review of documents and databases, the development of iterative process improvement strategies, the creation of data monitoring platforms to facilitate sustained incremental change toward a particular outcome and creating collaborative environments. Mr. Steinkamp also has premier experiencing with housing related issues, including eviction. He has authored numerous economic impact studies on providing low-income tenants with attorneys in eviction proceedings, one of which assisted in the passing of New York City’s historic right to counsel law. Mr. Steinkamp also currently serves as the court-appointed Independent Data Analyst in *Baez v. New York City Housing Authority* overseeing NYCHA’s compliance with the timely remediation of mold and leak work orders.

In mid-2020, Stout developed innovative analyses of tenant household instability caused by the COVID-19 pandemic, the estimated rental debt owed, and estimates of how that instability could result in an unprecedented number of eviction filings in states throughout the country. Stout’s research and analyses have been cited in local and national publications, including, but not limited to, The New York Times, The Washington Post, CNBC, Reuters, Forbes, Politico, and Bloomberg, and was referenced in the Centers for Disease Control and Prevention September 4, 2020 Order enacting a nationwide eviction moratorium. Stout also maintains an

[Eviction Right to Counsel Resource Center](#) which includes Stout’s eviction cost-benefit analyses as well as a compilation of resources related to the eviction process, housing instability, racial bias, the impacts and economic costs of eviction, and draft and enacted legislation.

Stout has been engaged by more than 50 non-profit organizations serving low-income communities across the United States. These engagements often included program or public policy evaluations, return on investment analyses, and strategic action planning.

Over the past 7 years, Stout has developed premier expertise in analyzing data from and evaluating the impact of eviction-related programs, including but not limited to eviction rights to counsel, eviction diversion initiatives (pre- and post-filing), eviction prevention and defense programs, emergency rental assistance, expanded legal representation, and access to brief services. Stout has provided eviction-related consulting services or assistance in nearly 40 jurisdictions:

- Alaska
- Atlanta
- Baltimore
- Boston
- Chattanooga
- Chicago (Cook County)
- Cleveland
- Columbus (Ohio)
- Connecticut
- Delaware
- Detroit
- Fort Wayne
- Grand Rapids
- Harris County (Texas)
- Indianapolis
- Kings County (Brooklyn, NYC)
- Lansing
- Las Vegas
- Los Angeles (city and county)
- Maryland (statewide)
- Miami-Dade
- Milwaukee County
- Nashville
- Newark
- New Orleans
- New York City
- New York State (outside of New York City)
- Oakland County (Michigan)
- Oklahoma County and Tulsa County
- Pennsylvania (statewide)
- Philadelphia
- Portland (Oregon)
- Rhode Island
- South Carolina
- St. Petersburg
- Suffolk County (New York)
- Toledo
- Washington, DC



Stout is currently serving as the evaluator of eviction right to counsels in Cleveland, Milwaukee, Connecticut, and Maryland. Stout has conducted eviction right to counsel fiscal return on investment analyses and independent expert reports for advocates, coalitions, bar associations or government agencies in Baltimore, Delaware, Detroit, Newark, Pennsylvania, New York City, Philadelphia, Los Angeles, New York (outside of New York City) and South Carolina. Following the release of Stout's reports in Baltimore, New York City, Philadelphia, and Detroit eviction right to counsel legislation was enacted. In these engagements, Stout worked closely with funders/potential funders, legal services organizations, rental property owners, academics studying housing and eviction, government agencies and the continuum of care, non-profits serving low-income residents, community organizers, and impacted residents.