

*Stout's Independent Evaluation of Cleveland's Eviction Right to Counsel
Annual Report for the Period January 1, 2023 through December 31, 2023
Report Date: January 31, 2024*

Key Evaluation Findings

Cleveland's Eviction Right to Counsel continues to demonstrate that attorneys are: (1) assisting clients who disproportionately identify as female and Black; (2) identifying and responding to poor housing conditions; (3) leveraging rent assistance, when available; (4) assisting with avoiding disruptive displacement and helping clients achieve their goals; (5) creating public economic and fiscal benefits; and (6) increasing access to justice.

From January 1 through December 31, 2023, The Legal Aid Society of Cleveland (Cleveland Legal Aid) assisted 4,519 Cleveland residents in 1,234 eviction right to counsel (RTC-C) cases. Since July 2020, Cleveland Legal Aid has assisted 12,772 Cleveland residents in 3,458 RTC-C cases.

Due in part to the use of court-based intake and various community outreach strategies, Stout's analyses in prior independent evaluations of RTC-C estimated that Cleveland Legal Aid likely represented between 60% and 80% of all households in Cleveland that were likely eligible for RTC-C in 2021 and 2022.¹ Stout is not aware of factors that would significantly alter these estimations for 2023. Overall, including tenants that would not be eligible for RTC-C due to the highly restrictive eligibility of RTC-C, the percentage of all tenants who are represented in landlord-tenant proceedings in Cleveland has increased from approximately 2% to 3%, before RTC-C, to approximately 16% since RTC-C was implemented.

Over the past 3 years, Stout has observed the commitment of Cleveland Legal Aid to RTC-C. Cleveland Legal Aid continues to invest in robust data collection and iterative process to demonstrate the impact of RTC-C on Cleveland tenants. In Stout's experience, Cleveland Legal Aid is a national leader in eviction right to counsel innovations, including but not limited to exploring interventions that are complementary to RTC-C, dedicating resources to community and stakeholder engagement, and advocating for the sustainability of RTC-C.

RTC-C Assists Clients Who Disproportionately Identify as Female and Black. Since RTC-C began in July 2020, nearly 3,500 eligible Cleveland tenant households have been

¹ Due to data availability limitations. This data was not collected or analyzed for the 2023 evaluation.

assisted by RTC-C. The table below shows the number of households, individuals, and children that have been assisted by RTC-C since July 2020 and in calendar year 2023.²

Population	July 2020 – December 2023	2022	2023
Client households	3,458	1,035	1,234
Individuals	12,772	3,799	4,519
Children	7,908	2,376	2,822

Client Demographic / Characteristic	July 2020 – December 2023	2022	2023
Female identifying	82%	82%	84%
Non-white identifying	84%	84%	86%
Hispanic identifying	8%	8%	9%
Households with at least 1 child under age 6	61%	62%	61%
Presence of disability in the household	54%	55%	57%
Client is currently employed	52%	56%	56%
Of clients who are currently employed, those employed full time	54%	52%	57%
Client lives in public or subsidized housing	12%	11%	10%
Client has been living in their home for less than 1 year	56%	51%	65% ³

² The metrics in the table are for all RTC-C clients with closed cases and who received any service level (e.g., extended service, counsel and advice).

³ The increase from 2022 to 2023 in the percentage of RTC-C clients who were living in their home for less than 1 year may be attributable to the expiration of pandemic-era tenant protections and the decreased availability of emergency rent assistance.

Figure 1 shows race, ethnicity, and gender statistics for RTC-C clients compared to Cleveland’s overall population. RTC-C clients are disproportionately female and Black or African American compared to Cleveland’s overall population.

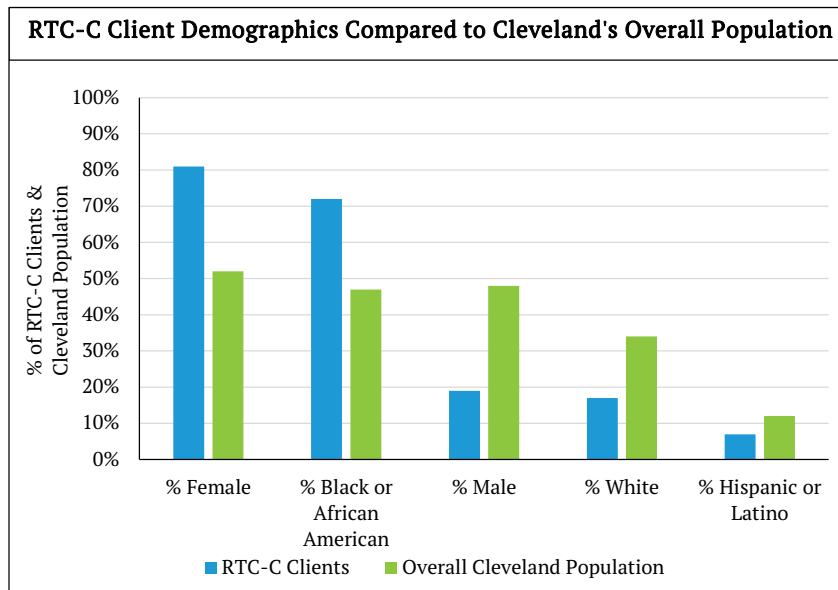


Figure 1

RTC-C Identifies and Responds to Poor Housing Conditions. Recent testimony at the January 11, 2024 Field Hearing of the Ohio Senate Select Committee on Housing indicated that 62% of investor-owned properties received property condition grades of C, D, or F, which indicate that the property needs repair or major renovation.⁴ Approximately 43% of individual-owned properties and approximately 28% of non-profit / government-owned properties received property condition grades of C, D, or F.⁵

RTC-C clients continue to indicate the presence of defective conditions in their homes. In 2023, approximately 83% of all RTC-C clients indicated they had defective conditions in their homes. Since July 2020, an increasing percentage of RTC-C clients who indicate there are defective conditions in their homes want to stay in their homes despite the presence of defective conditions.

Figure 2 is a bi-variate analysis showing the intersection of the presence of defective conditions and whether an RTC-C client wants to stay in their home. In the figure below, each year is divided into two segments: “No Defective Conditions” and “Yes Defective

⁴ Cuyahoga County Housing Trends: Race and Location Matter. Presentation and testimony for the January 11, 2024 Field Hearing of the Ohio Senate Select Committee on Housing. Presented by Frank Ford, Chair of the Vacant and Abandoned Property Action Council.

⁵ Ibid.

Conditions.” These segments are further divided into responses (Yes or No) indicating whether the client wants to stay in their home. For example, the green bars in the “Yes Defective Conditions” segment represent the percentage of clients who indicated there were defective conditions in their home and wanted to stay. The blue bars in the “Yes Defective Conditions” segment represent the percentage of clients who indicated there were defective conditions in their home and did not want to stay.

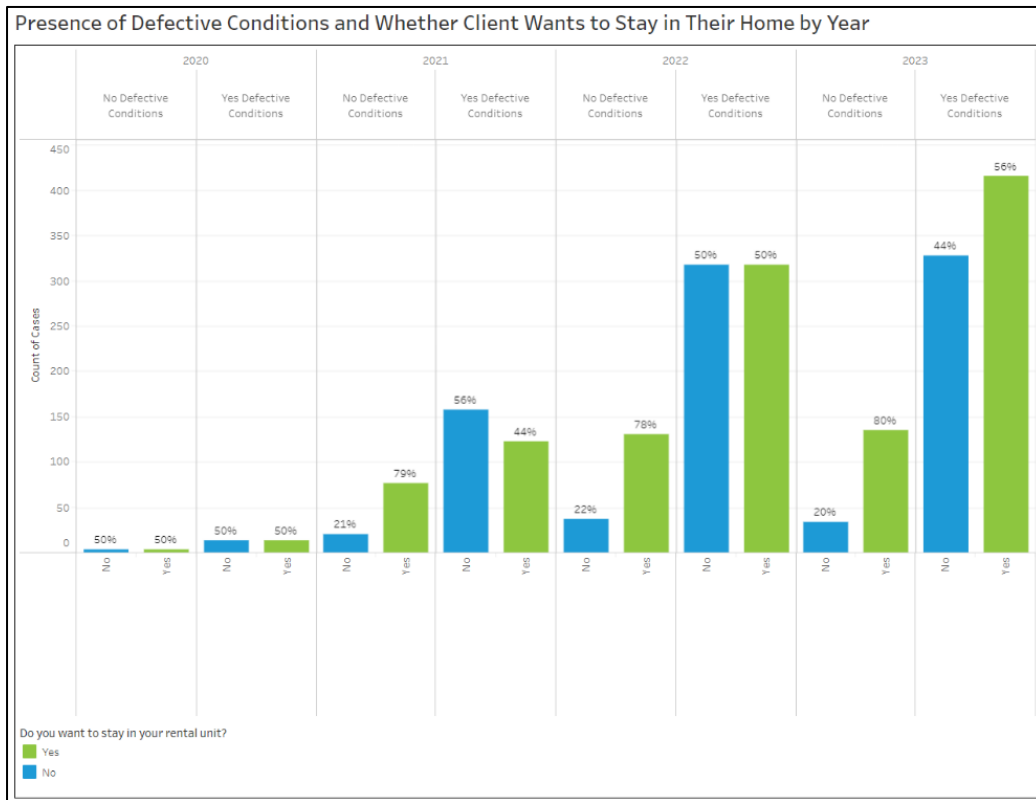


Figure 2

As demonstrated above, there has been a consistent increase in the percentage of RTC-C clients indicating there are defective conditions in their home, and they want to stay in their home. The year-over-year increases are:

- In 2020 (July through December), approximately 43% of RTC-C clients indicated there were defective conditions in their home and wanted to stay.
- In 2021, approximately 46% of RTC-C clients indicated there were defective conditions in their home and wanted to stay.
- In 2022, approximately 51% of RTC-C clients indicated there were defective conditions in their home and wanted to stay.
- In 2023, approximately 56% of RTC-C clients indicated there were defective conditions in their home and wanted to stay.

Stout observes similar trends in other eviction right to counsel jurisdictions.⁶ Feedback from tenant attorneys and rental property owners across the country indicate that this trend is likely a result of the lack of alternative housing for tenants facing eviction and the recognition among eviction right to counsel clients that if they were forced to move (even from a home with defective conditions) they may experience homelessness. The consequences of a forced move on RTC-C clients are particularly acute given the presence of children in the household. Of RTC-C clients who indicate they want to stay in their home, approximately 69% indicate they have nowhere to go if they were forced to move. Of RTC-C clients who indicate they do not want to stay in their home, approximately 41% indicate they have nowhere to go if they were forced to move.

RTC-C Leverages Rent Assistance, When Available. Since RTC-C launched in July 2020 (and in 2023), approximately 55% of clients had legal defenses in their case. RTC-C clients, regardless of whether there were defenses in their case, were typically seeking assistance with achieving similar goals.⁷ Overall, the frequency with which Cleveland Legal Aid assisted clients in achieving their goals does not differ materially by whether there are defenses. RTC-C clients who had the goal of preventing an eviction or involuntary move *and* had defenses were more likely to have their goal achieved (83%) compared to clients with the same goal but did not have defenses (79%).

Throughout the country and in Cleveland, attorneys representing tenants in eviction proceedings have shared concerns about the lack of sustained rent assistance, particularly for tenants without legal defenses and in communities where rents are increasing faster than wages and where vacancy rates are low. Tenant attorneys and counsel for rental property owners communicated that their ability to effectively resolve (and in certain circumstances prevent) cases without legal defenses can be compromised in the absence of sustained rent assistance.

As of December 2, 2022, new applications for emergency rental assistance were no longer accepted by Cleveland Housing Network (CHN). In April 2023, Cleveland City Council approved a \$5 million post-pandemic rent assistance program to be administered by CHN.⁸ The \$5 million will be spent over 3 years and would assist Cleveland renters with household incomes at or below 80% of the area median income with paying security deposits and the first 3 months of their rent.⁹ Additionally, CHN is offering housing

⁶ Stout's independent evaluation reports in other jurisdictions can be found at <https://www.stout.com/en/services/transformational-change-consulting/eviction-right-to-counsel-resources>

⁷ The 3 most frequently cited goals were “prevent eviction or involuntary move”, “secure time to move (30 days or more)”, and “secure rent assistance”.

⁸ Astolfi, Courtney. “Rental assistance 2.0: Cleveland tests out post-pandemic aid for renters.” April 2023.

⁹ Ibid.

navigation assistance for tenants who need to move, may be at risk of eviction, or who have unresolved disputes with rental property owners and are seeking alternative housing.¹⁰ The housing navigation assistance includes:

- Personal finance and budgeting counseling;
- Identification and avoidance of potential scams on rental listing websites;
- Connecting tenants with rental property owners with whom CHN has relationships; and
- Offering guidance on escrowing rent, if necessary.¹¹

CHN expects to assist 725 households with the allocated funding.¹²

RTC-C Assists with Avoiding Disruptive Displacement and Helping Clients Achieve Their Goals. In 2023, approximately 90% of RTC-C clients received extended service, and approximately 10% received counsel and advice. The level of service proportions observed in 2023 are consistent with those observed since RTC-C launched in July 2020. Of the 90% of RTC-C cases where the client received extended service in 2023, Cleveland Legal Aid assisted clients in achieving approximately 82% of all clients' case goals. Since the launch of RTC-C in July 2020, Cleveland Legal Aid has assisted clients in achieving approximately 85% of their goals.

The table below shows the 5 most common RTC-C client goals, with the frequency of the goal being achieved, the number of clients with the goal, and the percentage of clients with that goal since RTC-C launched in July 2020 and for cases closed in 2023.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

Client Goal Metrics for RTC-C Clients from July 2020 through December 2023				
Client Goal	Frequency Goal Was Achieved	# of RTC-C Clients with Goal ¹³	# of RTC-C Clients with Goal Achieved	% of RTC-C Clients with Goal ¹⁴
Prevent eviction or involuntary move	86%	2,785	2,401	81%
Secure 30 days or more to move	89%	1,519	1,359	44%
Secure rent assistance	78%	1,082	847	31%
Mitigate damages	94%	677	637	20%
Secure monetary relief	95%	312	296	9%
Goal Metrics for RTC-C Clients from January through December 2023				
Client Goal	Frequency Goal Was Achieved	# of RTC-C Clients with Goal ¹⁵	# of RTC-C Clients with Goal Achieved	% of RTC-C Clients with Goal ¹⁶
Prevent eviction or involuntary move	81%	1,094	884	89%
Secure 30 days or more to move	88%	684	599	55%
Secure rent assistance	76%	310	235	25%
Mitigate damages	94%	126	119	10%
Secure monetary relief	97%	89	86	7%

In addition to being asked about their goals during the intake/interview process, clients are also asked if they want to stay in their home. Since July 2020, approximately 56% of

¹³ Clients can have more than 1 goal for their case.

¹⁴ Total will be greater than 100% because clients can have more than 1 goal for their case.

¹⁵ Clients can have more than 1 goal for their case.

¹⁶ Total will be greater than 100% because clients can have more than 1 goal for their case.

clients indicated they want to stay in their home, and in 2023, approximately 61% of clients indicated they want to stay in their home.

The rental vacancy rate – the percentage of rental units that are vacant or unoccupied – in the Cleveland-Elyria metropolitan statistical area ranged from approximately 6% to 8% between 2012 and 2019.¹⁷ The rental vacancy in each of the past 4 years was:

- 2020 – 5.5%
- 2021 – 3.6%
- 2022 – 3.2%
- 2023 – 5.6%¹⁸

In the context of eviction, low rental vacancy rates can create challenges for tenants when trying to secure alternative housing if they need to move, including needing more time to move.

RTC-C Creates Public Economic and Fiscal Benefits. Stout’s 2021 and 2022 independent evaluations of RTC-C included preliminary annual and cumulative estimates of fiscal impacts that Cleveland or Cuyahoga County likely realized as a result of RTC-C. It is important to appreciate that RTC-C, like other eviction right to counsel programs Stout is evaluating, is often assisting tenants who are experiencing complex circumstances. These circumstances often include but are not limited to substantive legal issues, challenging personal circumstances, serious consequences that could arise from disruptive displacement (such as homelessness), and a variety of complex disputes with rental property owners. These circumstances can require publicly funded social safety net responses if tenants were to experience them.

In its 2022 independent evaluation of RTC-C, Stout estimated that Cleveland and Cuyahoga County likely realized combined economic benefits of between \$11.8 million and \$14 million from July 1, 2020 through December 31, 2022. During the same period, the total investment in RTC-C was \$4.5 million¹⁹, resulting in an estimated return on investment of between \$2.62 and \$3.11. The economic benefits likely realized by Cleveland and Cuyahoga County included:

- Economic value preserved by retaining residents;
- Decreasing the incremental need for housing social safety net responses such as emergency shelter and rapid re-housing;

¹⁷ United States Census Bureau. American Community Survey.

¹⁸ Ibid.

¹⁹ Stout understands that Cleveland Legal Aid used existing funding to supplement the \$4.5 million investment from United Way of Greater Cleveland and the City of Cleveland.

- Sustaining education funding for children in Cleveland Metropolitan School District;
- Decreasing the incremental need for out-of-home foster care placements; and
- Decreasing the incremental need for Medicaid-funded health care.

Given the consistent year-over-year and cumulative frequency with which Cleveland Legal Aid assists RTC-C clients in achieving their goals and the continued indication from RTC-C clients that they will likely experience disruptive displacement and require a social safety net response if they are forced to move, Stout believes that Cleveland and Cuyahoga County continue to realize economic benefits as a result of RTC-C.

Additionally, since Stout’s 2022 independent evaluation report, it has quantified new areas of fiscal impact in other jurisdictions where it is conducting evaluations of eviction right to counsel programs. These new areas of fiscal impact are related to educational attainment for children, employment stability, responses to unsheltered homelessness, and incarcerating people experiencing homelessness. In pre- and post-legislation eviction right to counsel jurisdictions where Stout has evaluated eviction right to counsel programs, pilots, and conducted cost-benefit analyses, the estimated return on investment has ranged from \$2.76 to \$4.80. These economic benefits in Cleveland are expected to be greater than the current investment in RTC-C, which creates a positive return on investment.

RTC-C Increases Access to Justice. In prior independent evaluations of RTC-C, Stout estimated that Cleveland Legal Aid likely represented between 60% and 80% of all households in Cleveland that were likely eligible for RTC-C in 2021 and 2022. Overall, including tenants who would not be eligible for RTC-C due to its highly restrictive eligible, the percentage of all tenants who are represented in landlord-tenant proceedings in Cleveland has increased from approximately 2% to 3% before RTC-C to approximately 16% since RTC-C was implemented.²⁰ In 2023, approximately 16% of defendants/tenants were represented in Cleveland landlord-tenant filings. The use of court-based intake for RTC-C has been impactful for connecting eligible tenants to RTC-C attorneys, resulting in higher estimated percentages of eligible tenants being represented than Stout observes in other jurisdictions implementing an eviction right to counsel without court-based intake.

Figure 3 shows the monthly trend of defendant/tenant representation in Cleveland. The green bars show number of landlord-tenant filings in Cleveland where the tenant was represented, and the orange line shows the percentage of landlord-tenant cases filed where at least 1 defendant/tenant was represented. The number and percent of cases

²⁰ Stout appreciates the Legal Services Corporation’s partnership and willingness to share the court docket data it is collecting. The analyses presented in this section were enabled by LSC’s data collection processes.

where at least 1 defendant/tenant is represented for November and December is understated, and complete data for these months is not yet available. The docket data does not always reflect representation by legal counsel in the same month of the filing.

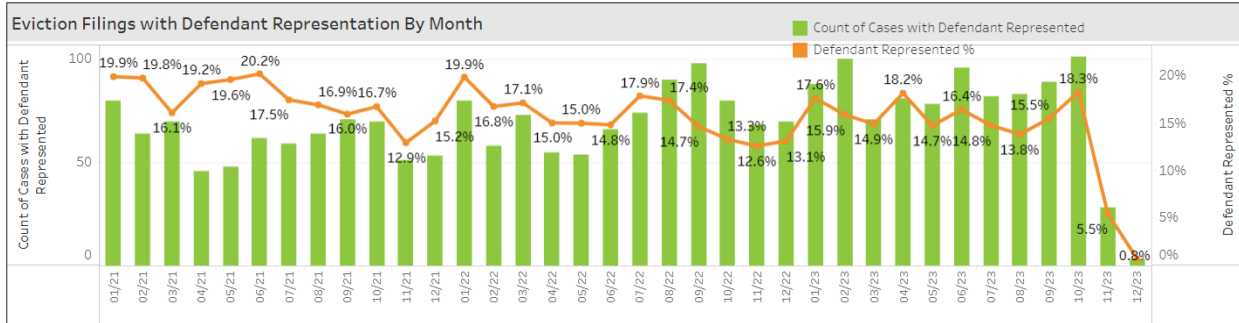


Figure 3

Landlord-Tenant Filing Trends. In 2023, there were approximately 6,400 landlord-tenant filings in Cleveland. This is an increase of approximately 14% from 2022 but approximately 16% lower than landlord-tenant filings in 2019 (i.e., pre-pandemic). Figure 4 shows annual landlord-tenant filings in Cleveland from 2011 to 2023.

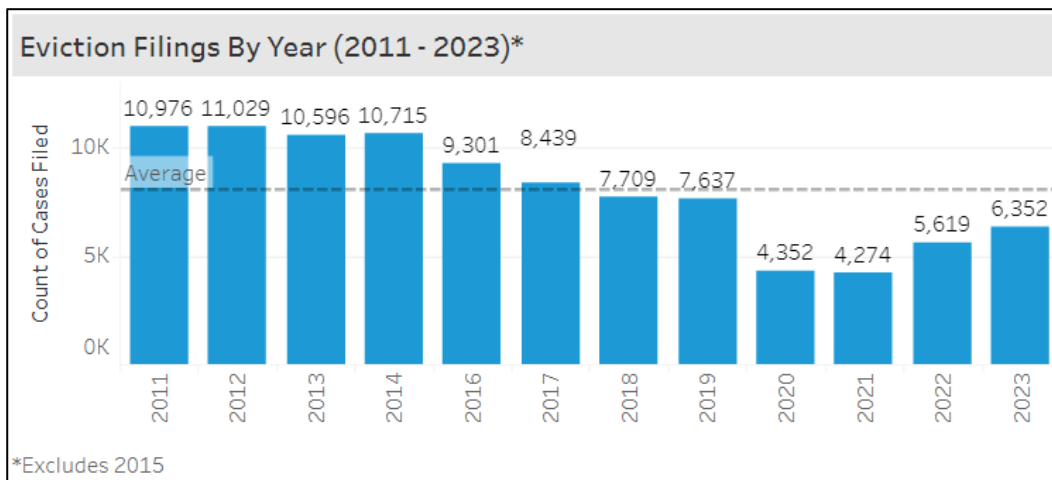


Figure 4

In 2023, approximately 42% of all landlord-tenant filings occurred in 4 zip codes. Landlord-tenant filings in these zip codes were:

- 44102 – 779 (primarily Ward 15)
- 44109 – 652 (primarily Ward 14)
- 44105 – 627 (primarily Ward 12)
- 44120 – 608 (Wards 6, 4, and 1)

Between 2022 and 2023, landlord-tenant filings increased the most in 44102 (approximately 24% increase) and decreased the most in 44109 (approximately 10%

decrease). Landlord-tenant filings in 44105 and 44120 remained consistent. Figure 5 shows 2023 Cleveland landlord-tenant filings by zip code, and Figure 6 shows 2023 Cleveland landlord-tenant filings by ward.

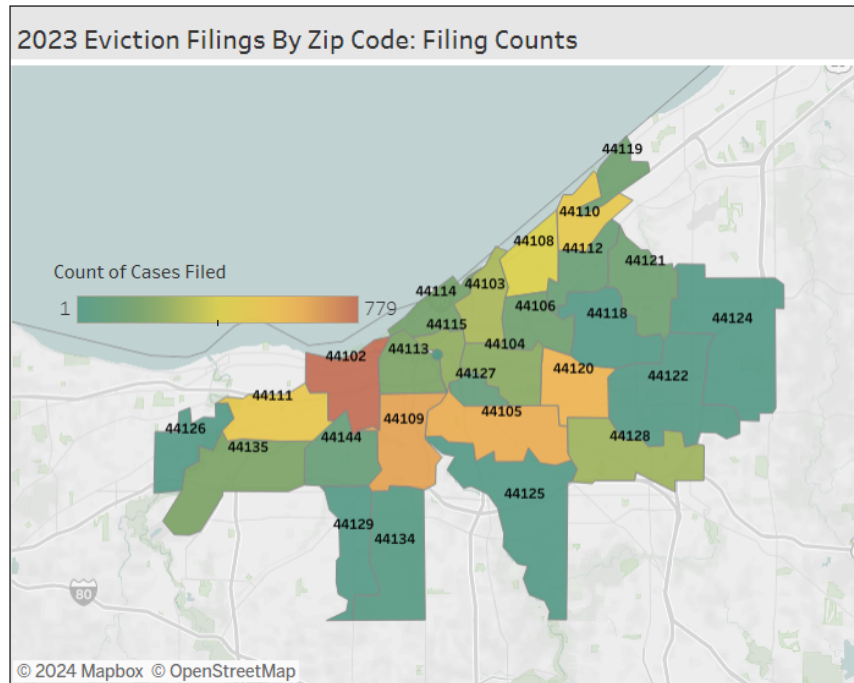


Figure 5

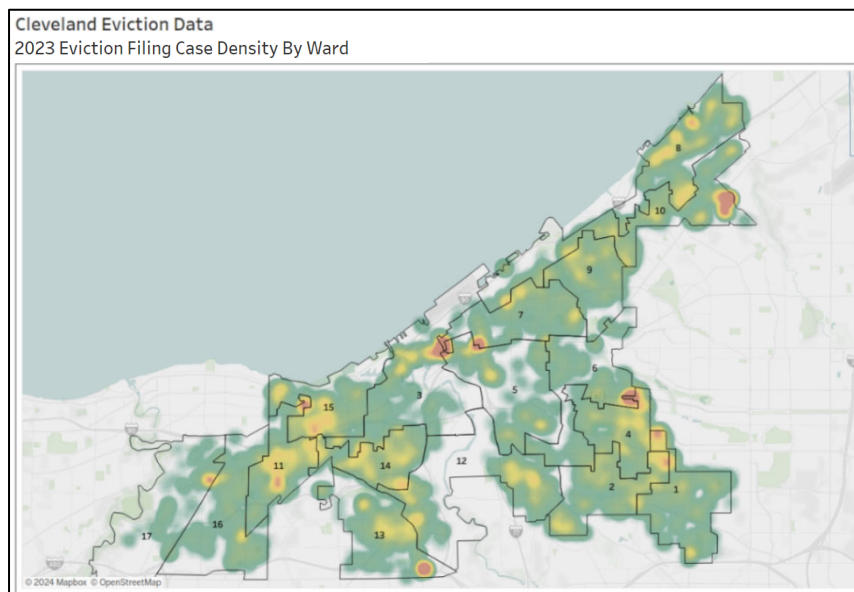


Figure 6

Tenant Education and Outreach. From January 2023 through April 2023 and August 2023 through November 2023, canvassers from Northeast Ohio Coalition for the

Homeless (NEOCH) made nearly 650 door-to-door canvassing attempts to reach residents who received an eviction filing. In approximately 74% of canvassing attempts, no one answered the door. In approximately 26% of canvassing attempts, the canvasser spoke to someone in-person. If no one answered the door, canvassers left behind materials with information about RTC-C and how to contact the canvasser for further information. Approximately 19% of tenants interacting with the canvasser were eligible for RTC-C (i.e. had a household income of 100% FPL or less and had at least one child in the home).

Recommendations

Progress on 2022 Recommendations. Stout’s 2022 independent evaluation of RTC-C included 10 recommendations for continuing to demonstrate the impact of RTC-C and to deepen and refine analyses related to Cleveland’s eviction ecosystem. The table below indicates Legal Aid’s progress toward implementing last year’s recommendations.

Stout’s Recommendation	Status as of December 31, 2023
Continue to be a national leader in how to effectively implement an eviction right to counsel program.	Complete/Ongoing
Explore the feasibility of expanding RTC-C.	Complete/Ongoing
Further analyze the time required to provide representation to RTC-C clients.	Progress Made/Improvement Needed
Create a working group to explore the feasibility of shallow, flexible rent assistance for rental property owners and tenants in Cleveland.	Progress Made/Improvement Needed
Collaborate with rental property owners and the courts to develop outreach materials and strategies to share information about RTC-C at the notice stage.	Progress Made/Improvement Needed
Expand door-to-door canvassing and implement an outreach strategy centered on local trusted messengers.	Progress Made/Improvement Needed
Partner with rental property owners, community organizations, and local government agencies to create programs designed to educate rental property owners, property managers, and tenants regarding their rights, obligations, and	Complete/Ongoing

best practices for preventing delinquencies and eviction filings, and for navigating the eviction process, when necessary.	
Continue detailed data collection.	Complete/Ongoing
Collect and analyze data from client follow-up texting efforts.	Limited Progress/Not Yet Achieved
Collaborate with the courts to evaluate Cleveland’s mediation program and create best practices for identifying cases well-suited for mediation.	Limited Progress/Not Yet Achieved

Stout offers the following recommendations for 2024:

1. Continue to be a national leader in how to effectively implement an eviction right to counsel program.
2. Continue detailed data collection.
3. Develop and launch a post-service client survey.
4. Collaborate with rental property owners to prevent eviction filings.
5. Deepen the understanding of defective conditions and the impact of defective conditions on clients and household members, particularly children.
6. Collect data to further demonstrate the intersection of RTC-C with Say Yes and Lead Safe.
7. Collect data to identify the frequency of repeat clients.
8. Collaborate with CHN on its tenant relocation program.
9. Develop and implement processes and training to enable the strategic use of data collected through RTC-C.