

February 2025

Primary findings

- A review of research and literature finds that tenants right to counsel may yield benefits related to housing stability, homelessness, neighborhood safety, and other key outcomes of importance.

Considerations for moving forward with Tenants Right to Counsel

- Multiple sources of funding may help with policy implementation.
- A pilot program and evaluation can help understand potential challenges and results.
- How might the legislature respond to this policy, could it have a negative impact?
- How can tenants' feedback and experiences shape the policy solution?
- How can data be integrated to tell a comprehensive story of impact?

Introduction

The tenant right to counsel (TRC) policy workgroup, which is a sub-group of *A Place for Everyone Housing Plan*, convened a group of stakeholders to request Lawrence-Douglas County Public Health create a health impact assessment on their behalf exploring the potential positive and negative health impacts of implementing a tenant right to counsel policy on the county level. Current data collected shows that the current legal representation level for tenants in Douglas County is around 3%. (F) Several cities around the United States have passed similar laws. These programs use evidence-based strategies to reduce evictions, save taxpayer dollars and improve safety and stability of housing for residents in a community.

Tenant Right to Counsel is a law or policy that provided free legal representation to eligible tenants facing eviction. It is like having a public defender in criminal cases.

This health impact assessment explored several factors related to the Social Determinants of Health (SDoH) that are generally agreed upon to impact health outcomes and wellbeing. Further, this assessment also explored additional impacts not directly associated with health, including the impact of ordinances, and the current landscape of evictions in Douglas County as a primer for decisionmakers.

Background and Rationale

In Summer 2024, the Douglas County Tenant Experience Report was released. According to the report, about 50% of the homes in the county are renter-occupied, and 56% of those renters are cost-burdened. Further, 45.5% of residents reported feeling unsafe in their rental home at some point in time. In addition, the report indicates that out of those surveyed, 20 individuals became homeless due to eviction. We know that there are power imbalances between tenants and landlords, particularly for low-income renters (52% of those who reported these imbalances made less than \$35,600).

Tenant right to counsel programs have been implemented throughout the United States. A similar program in Kansas City, Missouri has shown promise in reducing evictions and addressing housing safety. This program has been very successful and shown positive early results. Several additional reports have been collected on tenant rights to counsel programs in Los Angeles and Philadelphia. While most of these cities are considerably larger in population than Douglas County, data collected on the TRC programs in these cities shows considerable success. An analysis completed by the Boston Bar Association looked at several civil legal aid programs in the state of Massachusetts. The data showed that tenant right to counsel programs helped the state save on costs associated with homelessness, emergency shelter and assistance, health care costs, and foster care. (1) On average, Massachusetts saves about \$2.40 on homelessness for every dollar spent on representation, indicating that the return on investment is significant.

(F) This is consistent with the national average, however, most of the tenants who face eviction do not have legal representation.

Impacted Population and Potential Partners

The impacted population, which consists mostly of renters in both Lawrence and Douglas County has been consulted and included in the development of policy related to tenant right to counsel programming.

The following potential partners have been consulted or considered:

- Lawrence Tenants, a union of tenants in Lawrence.
- Douglas County and the City of Lawrence
- Lawrence-Douglas County Public Health, who published this assessment.
- University of Kansas, Haskell University, and other universities in Douglas County like Baker University.
- Lawrence Community Shelter (LCS)

Exploring the Impacts

Impacts to Housing, Housing Quality, Environmental Conditions, and Disability Concerns within Housing

Research suggests that tenant right to counsel programs impact health positively. Lack of housing stability can cause significant trauma, which can lead to mental and physical disorders such as diabetes, heart disease, lung disease, substance abuse, alcohol additions, and toxic stress. Tenant right to counsel programs are proven to improve housing stability, quality, environmental conditions, and accessibility through reducing evictions, and improving access to quality housing. A study conducted in San Francisco showed that 92% of tenants who were assisted by the program during their eviction proceedings avoided homelessness and 63% of people who had legal representation stayed in their homes. (2) Preventing homelessness, which is a key part of the 2024-2029 Community Health Improvement Plan, reduces the risk of infectious disease, improves housing stability and affordability, and reduces strain on resources. (3) There is further evidence to suggest that evictions and bad environmental conditions in housing disproportionately impact Black, Indigenous, Latinx people. Systemic racism plays a role in these inequalities, and tenant right to counsel policies support to address these historic barriers to improve housing quality. (4) Structural and environmental concerns such as lead paint, asbestos can have damaging health consequences if not remediated including stunted brain development, asthma, and cancer. (5)

Neighborhood Safety and Stability

Neighborhood safety and stability can provide positive health impacts such as improved mental health, stronger relationships, and community bonds. However, evictions and dangerous structural issues within housing can limit neighborhood strength. (6) Tenant right to counsel programs are actually proven strategies in improving neighborhood quality by providing stability for housing, improving the built environment. Healthy built environments are communities where health and health-related activities are prioritized. (7)

Toxic Stress, Agency, and Wellbeing of Renters

The evictions process can invite negative health consequences for renters and their families. Toxic stress, which is the chronic version of stress, is a key consequence to prolonged exposure to trauma and other stressful situations. Further, studies show that toxic stress can reduce agency and can have detrimental effects on both the mind and physical body through an increased risk of heart disease, mental illnesses, and substance abuse, which can lead to long-lasting impacts of cognitive function – especially for children and young adults. (8) By reducing the number of evictions and increasing agency, toxic stress can be reduced, and wellbeing can be restored.

Health Equity and Housing Justice

A key component of tenant right to counsel programs are housing justice and equity. This extends in to improving health equity as well by empowering tenants to advocate for themselves and their rights and encourages thoughtfulness and fairness in the court system. Health equity is a key component of Health in All Policies (HiAP) and the social determinants of health. (9) When all individuals, regardless of how they identify, can attain their highest level of health and have a fair and just opportunity to

TRACKING HEALTH IMPACTS

Positive Impacts Expected to Improve:

- Housing Affordability
- Environmental, structural, and accessibility concerns
- Homelessness
- Neighborhood safety and stability
- Tenant agency, wellbeing, and toxic stress
- Health equity

Unclear Impacts Expected To:

- Housing safety

attain it, it provides improved health for everyone. Housing justice and health equity go hand and hand. By improving health equity, we can improve overall health and housing of a community.

How Are Tenant Right to Counsel Programs Implemented in Other Cities?

Tenant right to counsel programs is most often established as an ordinance, which requires the introduction of legislation. Some other programs are established using ballot initiatives, and others rely on programmatic budgets that are established during the yearly budget process of the governing body. Funding for these programs can come from several areas, including grants, rental exercise taxes, and other programs. *Research suggests that a combination of these implementation methods (ordinance and programmatic budget) is most effective and introducing tenant right to counsel programs into a community.* (10)

Consider an Evaluation

While we have compelling data on evictions and legal representation in Douglas County, more data may be needed to make an effective case for passing this policy. Data from other Kansas counties or Kansas counties with similar programs might be helpful in determining the full benefits of the program for the county, with supporting data from larger areas such as Philadelphia and Los Angeles. While we do have data suggesting that there is a significant return on investment, more data from other counties in Kansas or the United States might be beneficial in supporting this effort. Further, the group supporting this effort might consider funding an independent evaluation of a right to counsel program through Stout, like what Oklahoma County and Tulsa County in Oklahoma did in 2024. This evaluation noted that both counties realized fiscal benefits of approximately \$6.3 million over a two-year period because of the pilot program.

Conclusion

As noted throughout this report, Kansas has a complicated legal system for tenants, which can make it difficult for tenants to avoid traumatic evictions. Kansas law is designed to complete evictions in less than 6 weeks and, further, there are several different case management systems that are used throughout the state, which makes tracking evictions that much more difficult. (11) Tenant right to counsel programs can provide a critical bridge between the current legal environment and protection for tenants who are at risk of eviction. While the research on these programs in Kansas is limited, several other municipalities and counties have passed tenant right to counsel programs and have seen significant success at preventing unnecessary evictions and improving the health of tenants. Kansas City, MO, which passed their tenant right to counsel program in 2022, showed that out of the 2,042 cases that received legal representation since the start of the program, about 82% of them (1,672) were resolved without an eviction ruling (i.e. through case dismissal or ruled in favor of the tenant). (12)

KHD Data	
Time Period	Oct '23 - August '23
Cases Represented	49
Cases Resolved	42
Cases Pending	7
Cases Dismissed or Resolved in Favor of Tenant	35
Cases Ending in Eviction	7
Cases Ending in Eviction with additional time	5
Additional Average Time to Move-out	32 days

Further, there is also local successes for similar programs in Douglas County. The Douglas County Civil Project, which was primarily funded by Kansas Judicial Access to Justice through 2023-2024, provided legal representation to tenants in Douglas County through Kansas Holistic Defenders (KHD). Data collected from the project showed that out of the 49 cases KHD represented, 42 of them were resolved prior to the data pull (by time of this report) through dismissal in favor of the tenant (35 cases) and the rest either did not end in an eviction or provided more time for the tenant to move out. Overall, the average dismissal rate (from October 2023-August 2024) was 83%.

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Research and written materials for this assessment were completed by members of the Community Health team at Lawrence-Douglas County Public Health in partnership with the Academic Health Department through the University of Kansas Medical Center.