



August 4, 2021

Re: Measure X funding for civil legal services for low-income residents

Dear Measure X Community Advisory Board:

Thank you to all the members of the CAB for all your hard work and dedication to improving services, enhancing equity, justice, and opportunities to thrive in Contra Costa County. I am writing in support of the proposals of many of our partners and neighbors to strongly encourage the CAB to include civil legal services in their recommendations as a critical component for achieving the County's Measure X goals.

Justice Gap & Need for Increased Civil Legal Services Resources: Measure X presents a unique and critical opportunity to address the significant documented gap in resources and access to civil legal services that affect Contra Costa residents' ability to exercise and protect their legal rights impacting all aspects of life - housing, safety, economic opportunity and independence, health and education. Even before COVID, low-income Californians and Black, Indigenous, and People of Color (BIPOC) faced a civil justice gap, and these groups now bear a disproportionate amount of displacement, trauma and lost opportunity caused by the pandemic. Eighty-five percent of Californians facing a civil legal issue receive no or inadequate legal help; in evictions, 90% of landlords receive representation compared to only 10% of tenants. Contra Costa has unfortunately been among the least served counties in the Bay Area while its tenant community experienced among the most evictions during the COVID pandemic.¹

We recommend Measure X funding be used to invest in civil legal services to:

1. **Prevent Interpersonal Violence:** Access to civil legal aid is correlated with a 21% decline in domestic abuse and is integral to family safety planning and helping survivors gain economic independence and rebuild their lives.² As one of the partners of the Contra Costa Alliance to End Abuse, we support the request for at least \$4M for interpersonal violence prevention, including at least \$1M for civil legal services for survivors. Increased investment will support the following best practices:

- A. Assistance and representation with domestic violence restraining orders, including our court-based Domestic Violence Restraining Order Clinics

¹ Molly Solomon and Erin Baldassari, More than 500 Bay Area Residents Have Been Evicted During the Pandemic, Despite Protections, KQED, January 27, 2021. <https://www.kqed.org/news/11856817/more-than-500-bay-area-residents-have-been-evicted-during-the-pandemic-despite-protections>

²<https://www.lsc.gov/our-impact/publications/other-publications-and-reports/how-legal-aid-helps-domestic-violence>



- B. Family law representation including divorces, obtaining safe child custody, visitation and support orders enabling parents and child(ren) to legal and safely escape abuse and build lives free from ongoing violence.
- C. Legal representation to obtain immigration relief for immigrant survivors, including Violence Against Women Act (VAWA) self-petitions, U-Visas, T-Visas and related applications.
- D. Addressing legal barriers and enforcing rights to family safety and stability, including housing, public benefits, credit, and employment.

Measure X investment will help meet the overwhelming need for legal services for survivors and increase integration with the Family Justice Center, improving onsite collaboration and wrap-around support for survivors and their families. Civil legal aid reduces repeat incidents of domestic violence, thus cutting public spending on medical care, special education, and counseling for affected children, as well as police resources. *Id.* Legal aid for survivors of domestic violence promotes individual empowerment and self-reliance by giving people the tools and knowledge to access the civil court system to protect and exercise their rights. *Id.*

2. **Increase Housing Stability and Eviction Prevention:** We join our partners at *Raise the Roof* Coalition to encourage substantial investment in legal services attorneys scaled to address the urgent need for tenant advocacy in Contra Costa.³ Measure X presents a unique opportunity to improve service delivery by partnering legal services with rental assistance, navigation and case management providers in the homeless system of care.⁴ Legal Services are a vital intervention in preventing homelessness and keeping more Contra Costa families in their homes.⁵ Measure X investment in legal services can increase housing stability and reduce homelessness by:

- A. Preventing meritless evictions and improving outcomes for tenants through legal advocacy and court representation.
- B. Enforcing habitability regulations resulting in more safe and healthy housing for low-income families and improved health outcomes.
- C. Enforcing fair housing anti-discrimination regulations.

³ In Contra Costa County, an estimated 12,000 households, including 9,000 children are at risk of eviction because of COVID related loss of income.

⁴ In neighboring counties legal services are activated as part of “coordinated entry” systems to advocate for tenants in danger of displacement alongside housing navigators, transitional housing providers and rental assistance to great effect in preventing homelessness and as a data driven and cost-saving intervention.

<https://www.keeppoaklandhoused.org/>

⁵ *Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants*
<https://www.philadelphiabar.org/WebObjects/PBA.woa/Contents/WebServerResources/CMSResources/PhiladelphiaEvictionsReport.pdf>



- D. Establishing a tenant legal hotline to improve efficiency of the County's homelessness and eviction prevention efforts through early detection of legal issues, triage and coordinated services maximizing the number of tenant families served.⁶
- E. Empowering and educating tenants of their legal rights through legal "know your rights" education, outreach, and legal clinics.

Investment in legal services reduces homelessness and costly "disruptive displacement" of tenant families:

A recent study found that the return on investment in housing legal services is at least \$12.74 for every dollar. Much of this savings is from the reduction in "disruptive displacement" - formal and informal evictions - which leads directly to "...job loss, poor performance in school for children, physical and mental health issues, increased city shelter and other emergency housing costs, increased administrative burden for courts, negative impacts on credit scores and the ability to re-rent, and the deterioration of communities when people must move away from their support systems..." **The study found that lawyers are able to assist tenants in resolving housing insecurity without disruptive displacement 95 percent of the time.** *Id.*

Again, we want to emphasize the urgency to maximize the investment in legal services through thoughtful integration and by leveraging the existing homeless prevention work already happening in Contra Costa. Recent data shows that "upstream" collaborative intervention (including legal services, case management and rental assistance) improves outcomes, resulting in more stable housing opportunity, efficiency and savings system-wide.⁷ Contra Costa would also benefit from the creation of a tenants' rights legal advice line to inform at-risk tenants as to their rights in their primary language and to rapidly connect them with the most appropriate legal service provider. As more service providers are available to serve Contra Costa's at-risk tenant families, a tenant legal hotline would be invaluable to triage, coordinate services and maximize the number of tenant families served by lawyers.

3. **Expand the Social Safety Net / Homelessness Intervention & Prevention through access to Public Benefits:** Measure X presents an important opportunity to replicate successful public-private partnerships to increase individual financial independence, housing stability, access and utilization of primary healthcare services and reduce costly county expenditures on emergency and homelessness services.

Measure X investment in legal services could support:

- A. Replication of successful public-private partnership models that increase participation in federal public benefits programs such as SSI and SSDI, increase

⁶ For example, <https://baylegal.org/alameda-county-tenants-rights-line/>

⁷ <https://www.keeпоaklandhoused.org/>



housing stability and healthcare access - including in Alameda and San Francisco⁸;

- A. Legal representation to increase eligible residents' access to food security and financial independence through: CalFresh (food stamps), CalWORKs, General Assistance, Supplemental Security Income (SSI), Social Security disability and retirement benefits, and the California Cash Assistance Program for Immigrants (CAPI);
- B. Representation to obtain related benefits and services like transportation, childcare and education expenses, and homeless assistance⁹; and
- C. Representation to overcome barriers to employment programs and occupational licensing.

Impact of civil legal services for public benefits:

- D. Funding legal representation has proven to increase access to these vital safety net programs allowing more of our neighbors to live independently, increasing housing stability and reducing utilization of county emergency services.¹⁰
- E. Increased approval rates for federal disability benefits which have high denial rates due to complex application and appeal process and common integrated legal and social needs.¹¹
- F. Federal financial reimbursement / recovery to the county for its investment - when individuals with disability move from General Assistance to SSI residents through *Interim Assistance Reimbursement*.¹²

4. **Successful Reentry after Criminal Justice System Involvement:** We join our community partners in recommending increased support for legal services as part of Contra Costa's reentry system of care. Legal services are essential to mitigating the collateral consequences of the criminal justice system, which disproportionately burden Black and Latinx communities.¹³ As AB

8 See, e.g., San Francisco partnership between the SF Human Services Agency, Tipping Point Community, PRC and Bay Area Legal Aid https://prcsf.org/wp-content/uploads/2018/10/PressRelease-20181002-PRC_Tipping-Point.pdf; and Alameda County partnership between the Alameda County Social Services Agency, Behavioral Healthcare Services, Homeless Action Center, Bay Area Legal Aid, Lifelong Medical Care TRUST Clinic, and Bay Area Community Services http://www.acgov.org/probation/documents/SSIAAdvocacy_Program&ServicesMeeting_3-22-2018.pdf

9 <https://www.cdss.ca.gov/inforesources/cdss-programs/housing-programs/calworks-homeless-assistance>

10 Economic Roundtable, "Dividends of A Hand Up: Public Benefits of Moving Indigent Adults With Disabilities Onto SSI," available at: <https://economicrt.org/publication/dividends-of-a-hand-up/>

11 Social Security Advisory Board, "Filing for Social Security Disability Benefits: What Impact Does Professional Representation Have on the Process at the Initial Level," Figure 7, available at: <https://www.ssab.gov/research/filing-for-social-security-disability-benefits-what-impact-does-professional-representation-have-on-the-process-at-the-initial-level/>

12 https://baylegal.org/wp-content/uploads/2021/02/SSIAAdvocacyBestPracticesRpt.final_.pdf

13 <https://icjia.illinois.gov/researchhub/articles/an-overview-of-evidence-based-practices-and-programs-in-prison-reentry>



109 and other justice reinvestment strategies reduce the number of individuals in jails and prisons, we have a moral imperative to support those with criminal records to gain the means to support themselves in our communities. Legal services do just that by eliminating barriers to housing, employment and public benefit programs, factors that are highly correlated with successful reentry and community safety.¹⁴

Measure X funding for legal services can support representation and legal assistance to:

- A. Remove barriers to housing and employment for individuals with criminal records by representing them in housing appeals, fair housing and employment complaints and professional licensing appeals.
- B. Reinstate driver's licenses and/or identification cards critical to obtaining employment and conducting basic life needs for themselves and their families.
- C. Addressing traffic or other criminal justice related debt that entrench families in intergenerational poverty.

Impact of supporting reentry legal services:

- A. Legal services have proven impact in addressing collateral consequences of criminal legal system, combatting discrimination, and reducing homelessness.¹⁵
- B. Increased access to permanent housing and employment, improving community safety and reducing strain on county homeless and welfare systems.
- C. Structural change through litigation and systemic advocacy.¹⁶

We appreciate your consideration and I welcome the opportunity to answer any questions the Measure X Community Advisory Board may have. I can be reached at apoe@baylegal.org.

Sincerely,

Adam Poe

Adam Poe
Managing Attorney

¹⁴ <https://bjs.ojp.gov/content/pub/pdf/rprts05p0510.pdf>

¹⁵ <https://wclp.org/as-california-closes-prisons-we-must-protect-people-who-were-incarcerated-from-falling-into-homelessness/>

¹⁶ For example, BayLegal successfully settled a suit in August 2017 that resulted in key changes in the way that courts treat low income people who cannot afford traffic debt (Rubicon v. Solano County Superior court). On October 26, 2017, the DMV acceded to our key demands and agreed to reinstate hundreds of thousands of drivers' licenses who could not afford their traffic fines (Hernandez v. DMV).