

D.C. Represents Civil Justice for our Neighbors



The District's Civil Legal Needs Crisis

Access to Civil Legal Services is a Critical Part of the District's Safety Net

- **Poverty is a significant concern in D.C.** In 2020, about 103,000 D.C. residents (nearly 1 in 6) lived in poverty (including 28,000 children); almost 187,000 residents lived within 200% of poverty, a typical eligibility line for free legal services.ⁱ Despite pandemic financial assistance programs, this number remains largely unchanged.
- **Low-income individuals experience higher rates of civil legal problems** and it is far more difficult for them to recover from the negative effects of losing housing, health insurance, or employment.
- **Many of the District's low- and moderate-income residents face additional obstacles to navigating the legal system and accessing legal help**, such as disability and limited English proficiency.
- **Pre-pandemic, a staggering number of District residents navigated high-stakes cases without legal representation:**
 - 88% of tenants facing evictions (vs. 95% of landlords who are represented)
 - 75% of housing conditions petitioners
 - 88% of petitioners and 95% of respondents in domestic violence cases
 - 83-93% of litigants in family law cases and 97% of respondents in child support cases
 - 86% of public benefits appeals claimants and 91% of unemployment appeals claimants
 - 97% of plaintiffs in small estate probate matters.ⁱⁱ
- **Access to legal services makes a difference:** A recent report found that 75% of District tenants represented by counsel in eviction matters were ultimately able to stay in their homes; those that moved often did so as part of a favorable settlement agreement. Legal representation also helped three-quarters of clients keep a Housing Choice Voucher they could have otherwise lost.ⁱⁱⁱ

Impact of the Pandemic



1 in 5 adults with children in D.C. say they can't afford enough food for their children



1 in 10 adults in rental housing are behind on rent^{iv}

Access to Civil Legal Services in the District is a Racial Justice Issue

- **Wards 7 and 8 (which are 90+% Black) had the highest poverty rates in 2020 (27.1% and 26.1%)** compared with 16.2% District-wide. Many more who live just above the poverty line are financially at risk.^v
- **DC had one of the nation's highest Black unemployment rates for 2021, at 11.6%**, compared to 3.1% for White workers.^{vi}
- **The COVID-19 pandemic has only heightened economic stress and racial disparities in the District, further limiting access to civil legal services.**

D.C. has one of the largest racial disparity in death rates from COVID-19.^{vii}

Black people, 45% of the population, account for 72% of deaths and 48% of positive tests.

Expanded Access to Civil Legal Services is Essential for an Equitable Recovery

Due to the COVID-19 pandemic, thousands of District residents are already seeking, or will seek, legal help in the coming months. For many District residents, the reach of the pandemic will not be ‘over’ even as the public health emergency abates. Areas of high need include:



Housing (Evictions Defense, Housing Conditions)

- Evictions have resumed in the District, but as of mid-March 2022, 17% of DC tenants were not current on their rent payments (approximately 28,000 households, 90% of which are headed by a Black or Latinx tenant).
- New eviction case filings are increasing – 60% more cases were filed in March 2022 compared to January and February 2022, and nearly 10 times more than in November 2021. Calls to the Landlord Tenant Legal Assistance Network have increased almost 70% in the first three months of 2022 compared to 2021.
- Legal services providers are reporting calls about worse housing conditions than they’ve ever seen, such as collapsed ceilings, mold, and other health-harming and uninhabitable conditions as landlords defer maintenance or seek to force tenants to move outside of the formal eviction process.
- Over 900 families in DC who receive Rapid Rehousing rental subsidies for families who experienced homelessness are facing the imminent termination of their subsidies. Most of these families are Black, and 90% will not be able to afford their rent once their subsidy ends, leaving them at risk of eviction. Attorneys can help families appeal these terminations.
- Eviction record sealing – a newly enacted protection for District residents – increases housing mobility for tenants who have previously faced eviction, and is a growing area of need for short-term legal help.



Children and Families (Custody, Child Support, Special Education)

- Parents need legal help with custody and child support due to pandemic-related stresses including parental illness and death, loss of employment, family violence, and other instability, with guardians ad litem needed to represent the best interests of children in these new, complex situations. There is also a growing need for representation of third-parties like grandparents who have stepped in to care for at-risk children.
- Children who receive special education services were more at risk of falling behind during distance learning, and need legal advocacy to ensure they receive the appropriate services and supports to address educational needs related to their disabilities and exacerbated by the pandemic.



Wills/Powers of Attorney/Probate

- Low-income, Black and Latino populations (the most at-risk populations for COVID-19) are less likely to have wills and estate plans, leading to complex probate proceedings after a death in the family and threatening intergenerational transfer of wealth. Unfortunately, very few D.C. legal services providers are currently able to serve low-income residents in estate administration.



Public Benefits (SNAP, TANF, Medicaid, Disability)

- Many qualified applicants for crucial safety net programs lack the ability to complete online benefits applications or SNAP recertifications, and may face improper benefits terminations or denials due to unfamiliarity or system errors as an overwhelming number of new applications are processed. There is a large gap in services available to assist in administrative benefits hearings.
- Assistance is needed with SSI and SSDI applications and appeals – one provider placed about 300% more of these cases in 2021 than 2020. Social Security Administration field offices are only now reopening for limited-in person services, meaning many qualified applicants have faced challenges applying for years. More people are also applying for benefits for COVID-related disabilities.



Domestic Violence

- Calls to domestic violence legal providers dramatically increased during the pandemic and remain at pre-pandemic levels, with an increase in episodes of violence, harassment, stalking and lethality.
- One organization reported serving the largest number of clients in its 14-year history in 2021, yet was only able to help 13% of those seeking help with civil protection orders and 30% of domestic violence survivors seeking help with family law matters. The pandemic has made these cases more complicated and they are open longer (an average of 90 days, compared with 14 days pre-pandemic), limiting provider ability to service as many clients.



Unemployment Insurance and Worker Protections

- Between March 13, 2020 and September 27, 2021, over 250,000 people applied for unemployment insurance in the District, compared with about 37,000 total claims filed in 2019.^{viii} While requests for help with unemployment benefits are declining, there remains a high volume of administrative appeals in this area.



Debt/Consumer Protection

- Legal services providers are seeing an increase in cases related to unpaid credit cards, auto loans, medical bills, and student loans as temporary debt collection protections have expired.
- COVID-19-related fraud and financial scams are targeting vulnerable populations, especially undocumented populations ineligible for federal financial assistance, with one provider already seeing a 40% increase during the pandemic.

ⁱ U.S. Census Bureau, 2020 American Community Survey 5-Year Estimates, Table S1701.

ⁱⁱ Data for 2017. See The District of Columbia Access to Justice Commission, *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia* (2019), at 83, available https://www.dcaccessjustice.org/assets/pdf/Delivering_Justice_2019.pdf

ⁱⁱⁱ Testimony of Kelly Jarvis, NPC Research, D.C. Council OVSJG Budget Oversight Hearing (April 6, 2022), available at https://dcaccessjustice.org/wp-content/uploads/2022/04/NPC-Research-DC-Budget-Hearing-written-testimony_4-5-2022.pdf

^{iv} Census Bureau Pulse Survey data collected March 2-March 14, 2022, available at <https://www.census.gov/programs-surveys/household-pulse-survey/data.html#phase3.4>. Figures are regularly updated.

^v U.S. Census Bureau, 2019 American Community Survey 5-Year Estimates, Table S1701 (Dec. 2020).

^{vi} Bureau of Labor Statistics, Preliminary 2021 Annual Averages, Employment status of the civilian noninstitutional population in states by sex, race, Hispanic or Latino ethnicity, and detailed age, available <https://www.bls.gov/lau/ptable14fll2021.pdf>.

^{vii} Kaiser Family Foundation, COVID-19 Death Rates by Race/Ethnicity (as of March 2, 2022), available at <https://www.kff.org/other/state-indicator/covid-19-deaths-by-race-ethnicity/>.

^{viii} D.C. Department of Economic Security, available <https://does.dc.gov/publication/unemployment-compensation-claims-data>.