

# HOUSING & CIVIL LEGAL AID

## The need

Threatened with the loss of their homes, many people do not know where to go for help. They may not see their problem as a legal one. They may not have the ability to make mortgage or rent payments, but often other issues lurk under the surface.

Foreclosure and eviction threaten families with homelessness and the loss of stability. Last year, more than 23,000 foreclosure proceedings were filed in North Carolina. In 2010, at the height of the foreclosure crisis, 66,277 foreclosures were filed. For families living in rental housing, 162,000 North Carolina households were at risk of eviction through the legal system in 2015–2016. A report released in 2017 by the Housing Advisory Board of Charlotte-Mecklenburg found that more than 45% of renter households spent more than 1/3 of their gross income on rent and utilities, limiting available funds to meet their other basic needs.

## The response

Studies show that individuals who receive legal help do better in court. In particular, when individuals faced with eviction receive assistance from a lawyer, they are more likely to remain in their homes. A randomized study conducted in New York's housing court in 2001 found that 51% of tenants in eviction proceedings without lawyers lost possession of their homes while only 21% of tenants with lawyers lost possession.

Civil legal aid providers can prevent homelessness by avoiding foreclosure or eviction. Advocates can identify unlawful mortgage servicing and debt collection practices and challenge them. Following job loss or disability, lawyers can assist individuals in obtaining benefits to help them continue to pay for housing. Lawyers can also address poor housing conditions to keep families safe.

## Spotlight

More than 5,000 evictions were granted against Durham County households in 2016–2017. In response to this eviction crisis, the Durham Eviction Diversion Program formed as a partnership between Legal Aid of North Carolina and Duke School of Law's Civil Justice Clinic. The Durham County Department of Social Services refers individuals facing eviction to the program and also provides rent assistance. Information about the program is sent to tenants with every eviction filing, and 40 to 50 households reach out each month to seek assistance from the program. Attorneys negotiate with landlords to resolve the eviction, address other issues like substandard housing or illegal fees, or settle on a mutually agreeable move-out date. If necessary, cases go to court.

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Interested in learning more about civil legal aid?

Contact the NC Interest on Lawyers' Trust Account program:

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### MILDRED'S STORY

85 year-old Mildred was living on a small monthly check from Social Security. She had never missed a payment on her mortgage, but she did not have enough to eat a meal by the end of the month. A company in Florida had advertised that they could get her a mortgage modification. Mildred did, but she soon discovered the company had scammed her. She was paying almost her entire Social Security check toward the mortgage, but they put her mortgage in default. Now Mildred was at risk of losing her house as a result of this mortgage refinancing scam.

An attorney with Pisgah Legal Services assisted Mildred for three years. The attorney was able to find an agreement with the mortgage company that lowered her monthly payment. Mildred's home of more than 30 years is now safe, and she has sufficient money to pay her electric bill and provide for her daily needs.