

How to solve the eviction crisis

by Steven McGarrity, executive director

We've been talking about housing for a few weeks on our Big Ideas blog -- why putting down roots matters, what landlords think about our eviction rates.

These entries are just the latest in a series of articles discussing the critical factors in housing stability, particularly for those who rent, rather than own, their homes. And they come on top of numerous news segments, print articles, and opinion pieces over the past couple of years.

For far too long, our communities have accepted the second-class status that we've afforded low-income renters. The pandemic made it painfully clear (to those of us who weren't already well aware) that the instability many renters live with isn't only discouraging -- it's unsafe and detrimental to our community as a whole.

It's time to move beyond just talking about the problem and to talk solutions. Here are a few, from the view in the trenches of poverty law.

The quality of housing in our community needs to improve. I've seen enough low-income housing in my career to know it is not a place most middle-class people would want to live in. And it's not because it's old or outdated.

We're not talking about '70s cabinets and a colorful, bold backsplash. We're talking about holes in your ceiling, electrical outlets that don't work, hot water that isn't consistent, poorly maintained exteriors, bad lighting that makes it dangerous to be outside, and more.

These are things that should be maintained universally, whether it's a luxury apartment or an affordable apartment.

I'm not suggesting that every bathroom should have a steam shower in it. But every bathroom should have a shower that doesn't leak or have mold growing all around it.

It's not a question of amenities. It's that the sanitation and safety are not the same for people with means and those with limited income. And those things should be universal, regardless of where you live.

But to do that, you need people enforcing the regulations that guide housing health and safety. And that brings me to my next point: **We need more housing inspectors.**

As a society, we've essentially incentivized landlords to buy lots of properties and create a positive cash-flow by ignoring existing health and safety codes. A business model built on ignoring landlord obligations under state law is not really a business model, it's an illegal scheme.

If landlords can force people out who don't pay rent, then tenants should be able to force landlords to maintain safe and habitable rental properties.

The trouble is, our current housing laws don't provide for an equitable distribution of power between landlords and tenants. **Our whole community would benefit from making it easier for tenants to hold landlords accountable** for poor conditions, to give tenants the ability to pay past due rent to stay, and to give tenants access to an attorney when they are facing an eviction in court.

Our current system often results in a do-or-die situation for renters. You can be a good tenant and miss one payment, be a day late or (literally) a dollar short and be evicted. This might not be a likely scenario, as we recognize most landlords appreciate and want to keep good tenants. But the law offers no protection for tenants in these situations.

And for a renter who is struggling month to month, there is no process under state law that offers any protection.

But we've already made policy decisions that afford these protections to homeowners.

If you own a home with a mortgage, you can't be kicked out of your home if you miss a single payment, or two, or three. It takes a long time. And even after you're in the foreclosure process, there are loan modification programs and alternative ways to catch up on past-due payments. These rules were established intentionally, so that the loss of a job or a medical crisis doesn't result in you losing your home.

There's nothing like this for tenants.

The fact that these laws and policies exist for homeowners is proof that we recognized a long time ago how disruptive and damaging losing one's home can be. But we drew a line on where we place value in preventing that disruption and damage and dismissed tenants along the way.

Now, that's not to say there aren't any protections for tenants. But the ones that are out there are cumbersome and inaccessible. And that brings me to my final point.

Tenant legal strategies should be more accessible to the general public.

Whether we're talking about escrowing your rent, or availing yourself of Fair Housing protections, or simply defending yourself against eviction in court -- these were processes designed by lawyers, for lawyers.

The problem is, most tenants (especially low-income tenants) don't have access to a lawyer.

By offering some ability for tenants to meet with a lawyer, especially if they can't afford one, does nothing more than balance the scale. Nationally, roughly 90% of landlords show up to eviction court with an attorney, while only 10% of tenants do.

That's like saying 90% of a certain group of people get to have their car's oil changed by a trained mechanic, and 90% of another group of people have to figure it out on their own, and expecting the outcome for all to be roughly the same.

It's an inherently unfair and inequitable system. In a word: unjust.

Providing access to a lawyer gives tenants a true opportunity to present their case in court. It also gives them the ability to take advantage of all the tools a lawyer can provide -- negotiating agreements outside of court, assisting with access to public assistance like rental assistance dollars, navigating the rent escrow process to force an unresponsive and retaliatory landlord to make the necessary repairs so the home can be habitable, and more.

These are some key ways we could start tackling the eviction crisis that has plagued our community for too many years. There are many other ways, too. Share your ideas [here](#).

This article is part of Legal Aid's ["Big Ideas" series](#).

SIDEBAR:

Help create the future of housing in our community. We invite the whole community to join us for Akron's first Eviction Prevention Summit on April 28th.

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