

The Right to Counsel at Scale

Patrick Power, Shomik Ghosh and Markus Schwedeler

Do Not Cite — Active Work in Progress — Do Not Cite

August 27, 2023

Abstract

Our paper assesses the impact of the Right to Counsel on housing stability. The Right to Counsel is a policy which ensures that low-income tenants facing eviction have access to free legal representation. Exploiting the recent zip code level adoption of this policy across the state of Connecticut, we provide empirical estimates regarding whether legal representation improves legal & housing outcomes for those currently housed and whether the policy adversely effects those who are currently unhoused. Regression analysis for the intention-to-treat and IV estimates are performed using linear models, fine-tuned large language models and cluster regularized neural networks. Additionally, we provide insight about the type of tenants most likely to respond to the policy as well as how lawyers can alter their aims to improve the downstream outcomes of their clients.

Keywords: Evictions

1 Introduction

Motivation

It's not yet 8:30, and the four men milling around an oversized moving truck are anxious to get started. A few cars back out of their places, and a dog is let out across the street. No one seems to mind the tenants in the central unit, their front lawn disappearing underneath a heap of furniture and clothes as they make repeated trips to the basement. Several minutes pass before the State Marshall walks through the doorway to ask for the keys. There's no squabble. No one asks for more time. It's eerily similar to a "Pens Down" command at the end of an exam period, except instead of turning over a paper, they're turning over their half emptied apartment. As the tenants turn their attention towards clearing the front lawn, the four men from the moving company set to work inside: taping up boxes and hauling the remaining items out to the truck. The back of a t-shirt reads, *If You Don't Pay ... You Can't Stay.*

Each year, there are roughly one million evictions in the United States.¹ And, in contrast a criminal case, a defendant in an eviction case isn't provided with representation by the state. As a result, a significant gap exists in favor of the landlord.

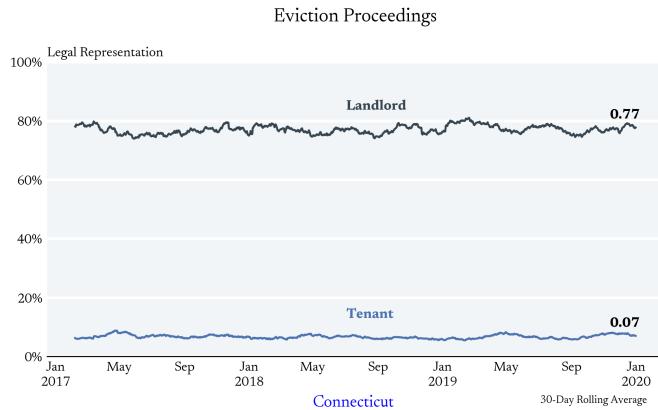


Figure 1: Representation Rate in Eviction Cases in Connecticut Prior to Covid-19

Given the well documented costs associated with eviction (Collinson et al. [2022]), the multitude of factors which contribute to its occurrence (Desmond [2016]), and the typical manner in which an eviction case evolves (Nelson [2022]), many believe that tenants should receive representation. And indeed, over the past couple of years, more than 15 cities and 3 states have acted on this belief by introducing a **Right to Counsel** with the hope that

¹Princeton Eviction Lab

by providing access to free legal representation, the adverse effects of eviction might be mitigated.

In this paper we contribute to the growing literature on the Right to Counsel by exploiting the zip code level implementation of the policy across the state of Connecticut. In contrasts to prior works which have largely focused on whether this policy improves legal outcomes, we make the following contributions.

Contributions

We exploit the underlying text that makes up an eviction case. First by using OpenAI's LLM API, we collect a rich set of details about each case: monthly rental price, type of lease, length of lease, landlords reason(s) for filing, and tenant's stated defense. These textual features (a) provide us with a better understanding of the rental market that is most affected by evictions (b) strengthens our identification strategy by providing us with a richer set of controls and (c) allows to understand what types of tenants are most responsive to the policy. In addition to extracting numerical representations from the case, we also estimate intention-to-treat and IV parameters by fine-tuning large language completion models directly on the text which provides us with a novel robustness check.²

We assess the impact of legal representation on housing stability. As previous literature has pointed out, legal outcomes are a noisy predictor of whether tenants remained housed in their current unit. Following an unsatisfactory legal ruling, landlords might remove tenants from their units informally.³ With consumer reference data (Phillips [2020]) which tracks individuals' addresses overtime, we explore whether having a lawyer decreases the likelihood of a move. Using personally identifiable data from the Homeless Management Information System, we also examine whether tenants are less likely to become homeless following an eviction filing.

We consider the potential negative impact of the Right to Counsel on those currently without housing. Specifically, we explore whether the housing search process becomes more difficult for low-income households following the implementation of this policy.⁴ Explaining how landlords may transfer the costs of this policy onto the unhoused, Abramson [2021] writes, "Low income households, who are priced out of the rental market, are intuitively the main losers." Using data from HMIS on families and individuals who are currently homeless but don't face significant barriers to rehousing,⁵ we estimate whether the **search length** and the **total voucher cost** (which we proxy for a price of housing)

²As we'll explain in more detail later, the instrument in our setting is an indicator variable for whether the tenant lives in a zip code where the Right to Counsel has been implemented

³An informal eviction is any type of coerced moved by the landlord

⁴As Gunn [1995] writes, "By increasing landlords' costs of doing business, legal services attorneys may enrich their clients at the expense of all other similarly situated poor tenants."

⁵We use HMIS data on Rapid Rehousing Programs. Importantly for our work, these programs (1) are restricted to households who don't face significant barriers to housing, (2) provide limited short-term financial assistance and (3) require that the rental agreements that households sign have "the same rights and responsibilities as a typical lease holder." -Reference

increases in response to the Right to Counsel. For each household, we observe a rich set of characteristics including race, gender, disability, previous living situation, income, and household size.

We explore how the Right to Counsel could be improved by altering Lawyers' strategies. Prior literature has found conflicting results about the effectiveness of a lawyer in an eviction case. One potential reason for this is that the lawyers in different contexts have adopted different strategies. As [Greiner et al. \[2012\]](#) explains, some housing court lawyers are much more likely to threaten a trial than others. Exploiting this systematic variation across lawyers in their tendency to achieve certain case outcomes, we adopt an instrumental variable strategy to assess whether a Stipulation Agreement is more likely to keep a tenant housed in their current unit than a Dismissal.⁶ We posit apriori that that a Stipulation Agreement is more effective as tenants likely have more bargaining power in the presence of their attorney.

Preview of Results

In this paper, we provide further insight into the effectiveness of the Right to Counsel by exploiting the ongoing implementation across the state of Connecticut. Given the short time period between when the policy was signed into law (June 2021) and when it went into effect (January 2022), Connecticut initially targeted zip codes where the supply of legal aid matched the expected demand for lawyers under this policy, as opposed to assigning treatment to zip codes solely based on their need. As figure 2 illustrates, this introduced substantial overlap in the overall number of evictions in the treated and control zip codes which we exploit to estimate the effects of the policy.



Figure 2: Highlighting the overlap between treated and control zip codes, each dot corresponds to a zip code where either the Right to Counsel went into effect on January 31, 2022 (Treated) or it did not (Control). The x-axis shows the average number of eviction filings over the years 2017, 2018, and 2019

For many of our results, we report estimates using Ordinary Least Squares, Fine-Tuned Large Language Model, and Zip Code Regularized Neural Networks⁷. Across these models, we find the following:

1. The Right to Counsel increases legal representation by legal aid lawyers between 9-15

⁶As we explain later, a Stipulation Agreement lays out a set of conditions that if the tenant adheres to, such as catching up on rent, will allow them to remain in the unit

⁷Controls for the zip code level adoption of the policy

percentage points.

2. A lawyer reduces the likelihood of a Judgement of Possession, Dismissal, and Final Stay, while increasing the likelihood of a Withdraw and Stipulation agreement.
3. A lawyer decreases the probability that we observe the tenant moving to a new address by 7 percentage points, but has no effect on the probability of entering a homeless shelter.
4. Unhoused individuals without significant barriers to housing don't have higher monthly rental costs or longer housing searches in response to the policy.
5. Lawyers who push for a stipulation agreement rather than a dismissal can decrease the likelihood the we observe the tenant moving to a new address by roughly 20 percentage points.

Summary: As we will emphasize throughout the paper, there are several limitations to our analysis: sensitivity to hyperparameters, missing control variables, black box consumer reference data, and the short term nature of our outlook. With that in mind, our results suggest that the Right to Counsel has a positive effect on legal outcomes which translates into improved housing stability with limited observable negative effects on those who are currently unhoused.

Related Literature

There is a growing literature on the causes and policies concerning Evictions. Most pertinent to our work, though, are those that focus on the Right to Counsel. Early work on the topic, [Seron et al. \[2001\]](#) and [Greiner et al. \[2012\]](#), make use of small scale randomized control trials consisting of tenants who are thought to likely benefit from legal representation. More recent empirical work, such as [Cassidy and Currie \[2022\]](#) has extended this analysis by exploiting the roll-out of the policy across New York City to understand it's affects when made accessible to a broader population. Focusing on legal outcomes, these works find that lawyers decreases the likelihood of a judgement of possession and extend the length of the case. Macroeconomic work, such as [Abramson \[2021\]](#), develops a model which incorporates these results together with details on the causes of eviction to illustrate that the Right to Counsel can have net adverse effects by pushing more tenants into homelessness.⁸ Our paper complements these prior works by empirically examining the effects of this policy on legal and housing outcomes for those currently housed and the housing search process for those who are unhoused.

⁸[Abramson \[2021\]](#) highlights that landlords' cost increase in response to the policy because the length of the case increase and tenants pay back a smaller fraction of back rent. Landlords then respond to this increased cost by being more selective in terms of who they rent to.

2 Eviction Background

Judicial Data

The data for this section consists of (1) tabular data provided to us by the Connecticut Judicial Branch and (2) publicly available pdf files related to eviction cases that we acquired from the Connecticut Judicial Branch website. As figure 7 illustrates, we extract additional information about each case by processing these pdf files with a computer vision model that extracts handwritten text and a large language model (`gpt-3.5-turbo`) which can perform a number of **prompt based tasks**.⁹ For example, to extract the monthly rent of the unit, we simply feed in the case text and ask the model what the monthly rent of the unit is. While this approach allows us to collect a rich set of variables for our analysis, it also introduces measurement error (Liu et al. [2023]). We are currently in the process of assessing the frequency of these errors. All code will be made available via our [GitHub Repository](#).

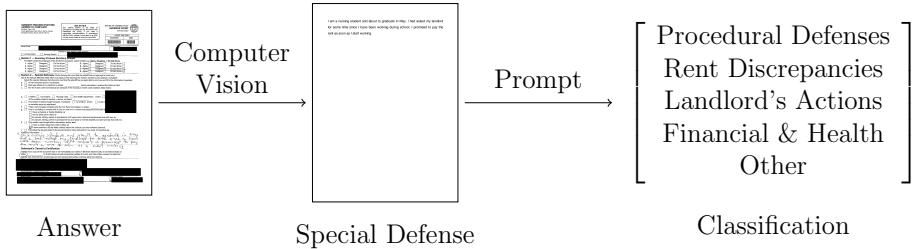


Figure 3: The Answer is only redacted because we are sharing this paper publicly. In our own analysis, we do not redact the Answer. To extract the handwritten defense by the Tenant we use Microsoft’s Computer Vision v3.2 GA Read API.

Rental Market

The vast majority of eviction filings, figure 4a, correspond to month-to-month leases. These include both leases that start as a month-to-month, as well as those which begin with a one year contract and then continue on a month-to-month bases.¹⁰ For example, it’s typical to see descriptions of the lease such as “On or about [DATE], Plaintiff, Defendant [NAME1], and Defendant [NAME2] entered into a written one-year lease for the Premises (“Lease”). After expiration, the Lease renewed automatically for successive terms of one month.”

These agreements, figure 4b, can last from as little as one month to several years. We measure the end of the lease agreements as the date when the landlord files for an eviction

⁹As Liu et al. writes, “These models perform downstream tasks primarily via prompting: all relevant task specification and data to process is formatted as a textual context, and the model returns a generated text completion.”

¹⁰A Landlord’s guide to Summary Process (Eviction) states, “Be sure to indicate in the Complaint whether you and the defendant had an oral or written week-to-week, month-to-month, or year-to-year lease.”

against the tent. About 25% of leases last less than 6 months, 50% less than 13, and 75% less than 27. It's worth pointing out that about 7% last less than the initial month of the lease.

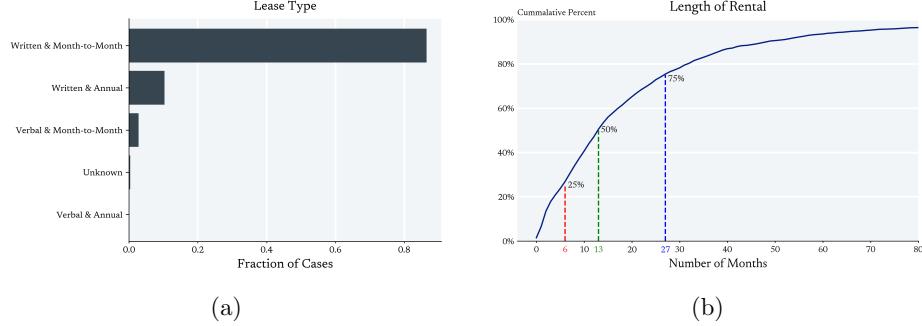


Figure 4: (a) Bar graph of the Types of Leases. (b) Cumulative Distribution Function of the Length of the Lease.

As figure 5a highlights, across the subset of the rental market that is caught up in the eviction process, there is a relatively large dispersion in the monthly rental price of a unit. The interquartile range is \$500 with the 25th percentile starting at \$800 and the 75th topping out at \$1300. We use this measure later on in the paper to understand what types of tenants are most likely to seek legal representation when it becomes freely available.

Figure 5b indicates that eviction filings are most frequent in higher poverty locations. We plot the empirical CDF of the poverty rates using the 5-year ACS first with respect to a uniform distribution over census tracts and then by the distribution generated by the addresses associated with each eviction filing.

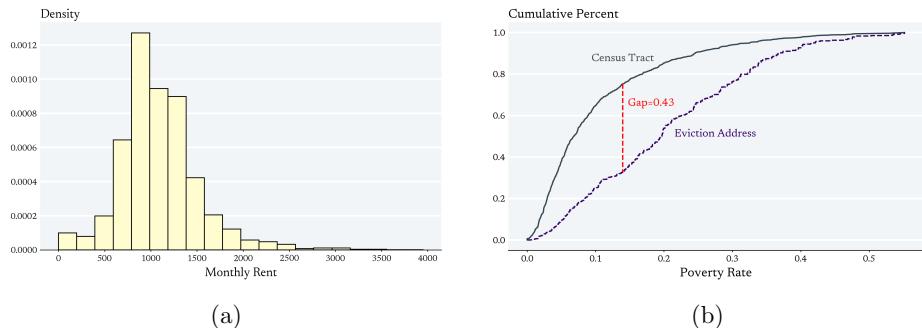


Figure 5: (a) Histogram of Monthly Rental Price(b) Cumulative Distribution Function of Poverty Rate.

Eviction Process

The Eviction process begins with the **Notice to Quit**. Usually served by a State Marshall, the Notice to Quit explains to the tenants that they are in violation of their lease and must move out within three days.¹¹ The most common reason given, figure 6a, is that the tenants have failed to pay their rent. It's worth pointing out, though, that Landlords are not obliged to file an Eviction case immediately upon a failure to pay rent. Indeed, as mentioned in [Desmond \[2016\]](#), there is money to be made in working with tenants who fall behind for various reasons. And empirically, figure 6b, illustrates that landlords tend to provide tenants with some time before filing an eviction.

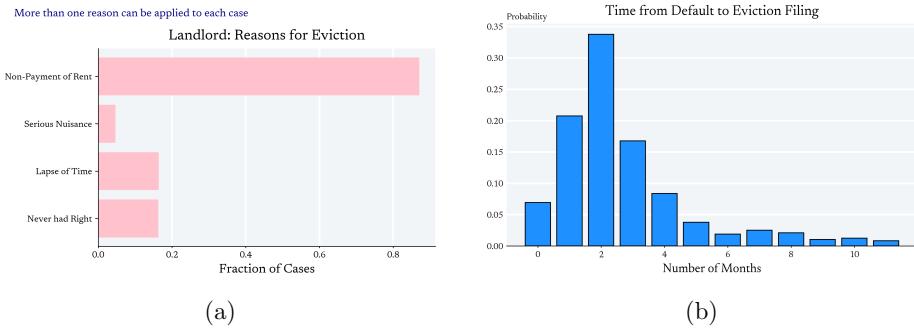


Figure 6: (a) Bar graph of Landlords' reasons for filing an eviction case. (b) Bar graph of the elapsed time between when the tenant fell behind on rent and when the landlord filed the case

If the tenants fail to move out in response to the Notice, a landlord can then file a **Summons** and **Complaint**. The summons informs the tenant that they are “being sued for possession of the premises.”¹² The Complaint expands upon the Notice to Quit by including details regarding the lease agreement – the date the tenants first occupied the unit, the nature of the lease, the date the tenants fell behind on their rent – as well as details concerning the reasons for the eviction filing which can range from the rather mundane, such as a complaint about the tenants’ pet, to the extremely severe, such as a physical altercation which resulted in a fatality.

At this point, the tenants must file an **Appearance** and either an **Answer**. In the Answer, the tenant indicates whether they agree with the landlord’s Complaint and provides additional “facts” for why they should not be evicted. Only about 15% of Answers include these additional facts and as figure 7 highlights, the majority invoke some type of procedural dispute, but can also include details regarding financial hardship, health and safety concerns. We use this categorization of tenant defense to explore treatment effect heterogeneity.

Cases can ultimately be settled in several different ways. For a more detailed descrip-

¹¹[A Landlord’s Guide to Summary Process \(Eviction\)](#)

¹²[A Landlord’s Guide to Summary Process \(Eviction\)](#)

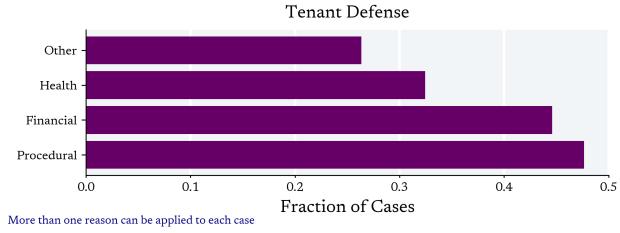


Figure 7: Self-Reported Special Defense

tion, we recommend the work by Kyle Nelson. For our purposes, though we classify cases outcomes into five categories: Judgement of Possession in favor of the landlord, a Dismissal of the case, a Withdraw of the case, a Final Stay by Stipulation and a Stipulation Agreement. A Final Stay by Stipulation corresponds to a case where a landlord receives possession of the unit, but give the tenant additional time to move out. A Stipulation Agreement corresponds to a case where the tenant and landlord have agreed to a plan that if adhered to (such as catching up on back rent) will allow the tenant to remain in the unit.

Implementation

Signed into law in June of 2021, the Right to Counsel went into effect on January 31, 2022, as rental relief services in response to Covid-19 were coming to an end, well after the expiration of the CDC's eviction moratorium for nonpayment of rent (August 26, 2021).

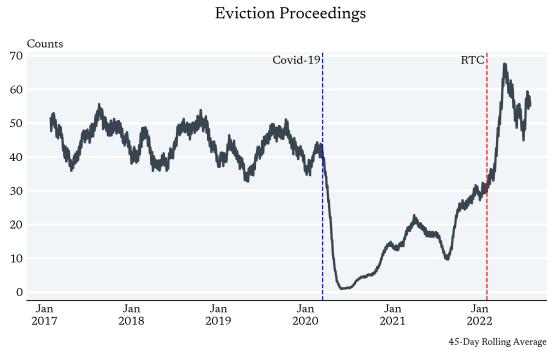


Figure 8: Eviction Filings Within Connecticut

Because the expected demand for legal services under the Right to Counsel exceed the level of legal support, state representatives rolled the policy out in phases. In the first phase, the policy was implemented across a subset of the zip codes which accounted for 30% of evictions and 20% percent of the renter population pre-pandemic. Individuals and families within these zip codes who made 80% or less than the area median income were eligible. Importantly for our purposes, there was substantial overlap in the average

number of evictions across the “treated” and “control” zip codes. Table 1 reports results from a per-implementation balance test with only month and housing court controls. In our empirical specifications, we also include for monthly rent, landlord’s reason for an eviction, and tenant’s reason for an eviction as additional controls.

Model	Est	S.E.	% Δ	RMSE	N	Params
Appearance	0.012	0.002	1	0.363	41391	28
Representation	0.007	0.001	49	0.115	41391	28
Possession	-0.011	0.002	-4	0.437	41391	28
Stipulation	0.030	0.003	6	0.490	41391	28
Case Length	-3.606	0.264	-7	80.146	42059	28
Homeless	0.002	0.001	14	0.106	42063	28

Table 1: Cross-Section Robustness Check

Beginning on October 1, 2021, landlords were to notify individuals of the existence of this policy when serving tenants with a Notice to Quit. From conversations with State Marshals, we learned that even if a landlord forgot to attach the document the State Marshall office would do so any. In addition, courts were expected to inform tenants of the policy when and if tenants appeared in court.¹³

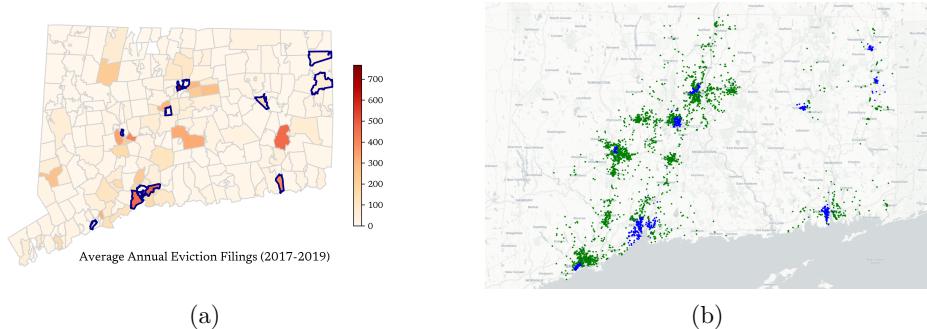


Figure 9: (a) Average eviction filing counts by zip code (2017-2019). A blue outline indicates that the Right to Counsel was implemented in that zip code. (b) The address of all eviction filings from February - September 2022 across the housing courts of interest. Blue indicates that the address is in a zip code where the Right to Counsel is in effect.

3 Model

We write down a model to clarify the potential adverse effects of this policy.

¹³Reference