

Legal Services in Housing Court



HOMELESSNESS
Evaluation
Resource Hub

Existing research shows that full legal representation for tenants in housing court can reduce evictions.

KEY TAKEAWAYS

1 Tenants with access to full legal assistance in housing court obtain more favorable outcomes than those without legal assistance.

Two randomized evaluations have tested the impact of providing legal services to tenants compared to no offer of legal services on eviction court outcomes. Both studies found that legal services improved eviction court outcomes considerably.^{2,7} In New York City, an offer of full legal services reduced eviction warrants by 45 percent, reduced failure to appear by 44 percent, and reduced judgments by 39 percent.⁷ In Shelby County, Tennessee in 2022, an offer of legal services decreased eviction judgments by 37 percent after 30 days and by 23 percent after 180 days and reduced how much tenants owed in judgments by 34 percent. After a concurrent emergency rental assistance program ended, the effects on judgments and amount owed in judgments became smaller and diminished to zero after 180 days. The researchers suggest that the effectiveness of Right to Counsel is associated with the availability of rental assistance resources.² One quasi experimental evaluation of New York City's roll out of a Right to Counsel initiative found that tenants with access to legal representation were between 41 and 78 percent less likely to ultimately be evicted. Tenants with the highest risk of losing their case experienced the largest effects.³

2 More research is needed to determine the effectiveness of unbundled legal services.

Two randomized evaluations have tested the impact of an offer of full legal services compared to an offer of unbundled legal services (defined on the following page).^{5,6} In Boston, Massachusetts an offer of full legal services increased the likelihood that tenants remained in their units by 74 percent.⁶ However, another study in Massachusetts provided conflicting results, finding that full legal services were no more effective at improving housing outcomes compared to unbundled legal services.⁵ This null result could reflect the strength of the particular provider's unbundled program or—as the authors suggest—stem from the less confrontational, more facilitative approach used by attorneys in the housing court proceedings; different outreach, intake, and case selection mechanisms; or the policy environment. More research is needed to determine the effectiveness of full services relative to unbundled legal services and of unbundled services alone.

An offer of full legal services
reduced eviction warrants by

23–45 PERCENT^{2,7}

Those who took up the offer experienced an even larger effect, with eviction warrants falling by 77 percent relative to unrepresented tenants.⁷



Individuals who received full legal
representation received payments
or rent waivers worth

7.5 MORE  MONTHS OF RENT

on average, than the comparison group.⁶

INTERVENTION DETAILS

Evictions involve the forced displacement of people from their homes and dramatically increase the likelihood of homelessness. Landlords traditionally have a substantial advantage in housing court: in eviction court proceedings, landlords are legally represented in 83 percent of cases while tenants are represented in 4 percent of cases.¹ The broad constitutional right to an attorney, as recognized by the US Supreme Court, applies only to criminal cases. Courts at the state and federal level have recognized a right to counsel in some civil cases, but none have done so in the housing context, and most tenants facing eviction cannot afford private lawyers.²

Two major categories of legal services for tenants facing eviction are full legal representation and unbundled legal services. Legal providers also frequently provide brief advice, which is not included in this publication.

Full legal representation provides comprehensive, individualized support throughout the duration of the case. **Unbundled legal services** involve a licensed attorney providing a reduced set of legal services, usually during a critical time in the case—such as during pretrial sessions—while the tenant represents themselves during all other stages of the case. Because they require a lighter level of engagement, attorneys can take on higher caseloads when providing unbundled services. Unbundled legal services are therefore generally less costly to provide than full representation.

In jurisdictions with Right to Counsel laws, attorneys are provided to tenants at no cost, typically funded by the government and delivered through contracted legal service providers. In other jurisdictions, tenants may access pro bono or discounted legal assistance through nonprofit organizations, some of which proactively reach out to tenants, while others rely on tenants to seek out services.

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RIGHT TO COUNSEL

In 2026, “Right to Counsel” (RTC) laws for tenants facing eviction had been adopted by 28 jurisdictions including New York City, Los Angeles, and five states, to provide free defense attorneys in eviction cases. Two quasi-experimental evaluations have assessed the impact of RTC programs at scale^{3,4}; more research is needed to understand how other housing market factors may respond to legally mandated representation, rather than legal services provided by local nonprofits.

CITATIONS

Papers included in this brief are limited to quasi-experimental and randomized evaluations of legal representation for tenants in eviction court in the United States.

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