



**Housing and Services**  
Resource Center

# **Role of Legal Assistance in Enhancing Housing Stability**

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September 12, 2024



# Welcome



## Facilitator

**Sara E. Planthaber, JD, MSW**, Aging Services Program Specialist, Office of Elder Justice and Adult Protective Services, Administration for Community Living (ACL)

This webinar is hosted jointly by ACL's Office of Elder Justice and Adult Protective Services and the Housing and Services Resource Center.



**This event is being recorded.**

# Instructions for Zoom

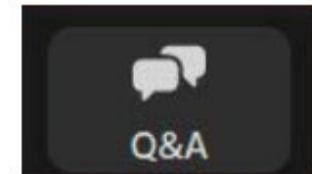
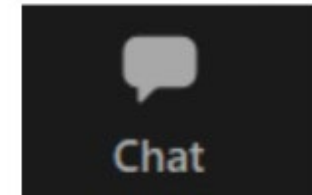
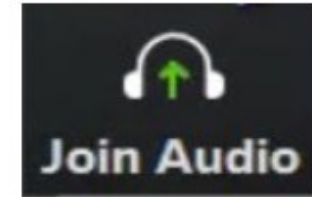
## Audio Options

- Use your computer speakers, **OR** dial in using the phone number in your registration email.
- All participants are muted.

## Questions and Comments

- Please actively use chat throughout the webinar, especially for your comments or to connect with other participants.
- To ask a presenter a question, please use the Q&A function.

Or, send your question or comment via email to [HSRC@ACL.HHS.GOV](mailto:HSRC@ACL.HHS.GOV)





# Accessibility

- **Maximizing view of ASL interpreters**
- Enlarge view of ASL interpreter by “pinning” them:
  - Click on their video window and select the Pin icon.
- **Screen Reader Users: Reduce unwanted chatter**
- Request speech on demand:
  - Insert, Spacebar, “S”



# Poll

## **Does your agency currently connect individuals to legal assistance services?**

- We provide direct legal assistance services.
- We partner with agencies that provide direct legal assistance services.
- We are looking to partner with agencies that provide direct legal assistance services but are not currently connected.
- We only provide referrals to agencies that provide legal assistance services.
- None – We do not provide direct services or linkages/referrals to legal assistance service providers.
- N/A – I am an individual, not associated with an agency that provides services and supports.
- Other – Explain in chat.



# Housing and Services Resource Center

[acl.gov/HousingAndServices](https://acl.gov/HousingAndServices) [#HousingResources](https://twitter.com/HousingResources)





# HSRC: Collaboration Among Federal Agencies and Our Networks

## **U.S. Department of Health & Human Services (HHS)**

**ACL - Administration for Community Living** (Lead Coordinating Agency)

ACF - Administration for Children & Families

ASPE - Office of the Assistant Secretary for Planning & Evaluation

CDC - Centers for Disease Control and Prevention

CMS - Centers for Medicare & Medicaid Services

HRSA - Health Resources & Services Administration

SAMHSA - Substance Abuse and Mental Health Services Administration

## **U.S. Department of Housing and Urban Development (HUD)**

U.S. Department of Agriculture, Rural Development (USDA)

U.S. Department of Energy (DOE)

U.S. Department of Labor (DOL)

U.S. Department of Veteran Affairs (VA)

U.S. Interagency Council on Homelessness (USICH)



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# Poll Results





# Agenda

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- . Welcome
- . Housing Issues Facing Older Adults
- . Role of Legal Assistance in Housing Cases
- . Collaborations with Legal Assistance: A Real World Example
- . Q&A
- . Conclusion



# Presenters



**Patti Prunhuber**, Director, Housing Advocacy, Justice in Aging

**Jennifer Kye**, Senior Attorney, Justice in Aging



# About Justice in Aging

- Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, housing, elder rights, and the courts for older adults with limited resources.
- Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.



# About NCLER

- The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. NCLER provides Legal Training, Case Consultations, and Capacity Building Services. Justice in Aging administers the NCLER through a contract with the Administration for Community Living's Administration on Aging.

# Housing Issues Facing Older Adults

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# OAA mandate to serve older adults includes addressing housing instability

Title III-B of the Older Americans Act (OAA) provides funding so that legal assistance providers can “prioritize representation and advice that focus on the specific areas of law that give rise to problems that are disparately experienced by older adults with economic or social need.”

Including:

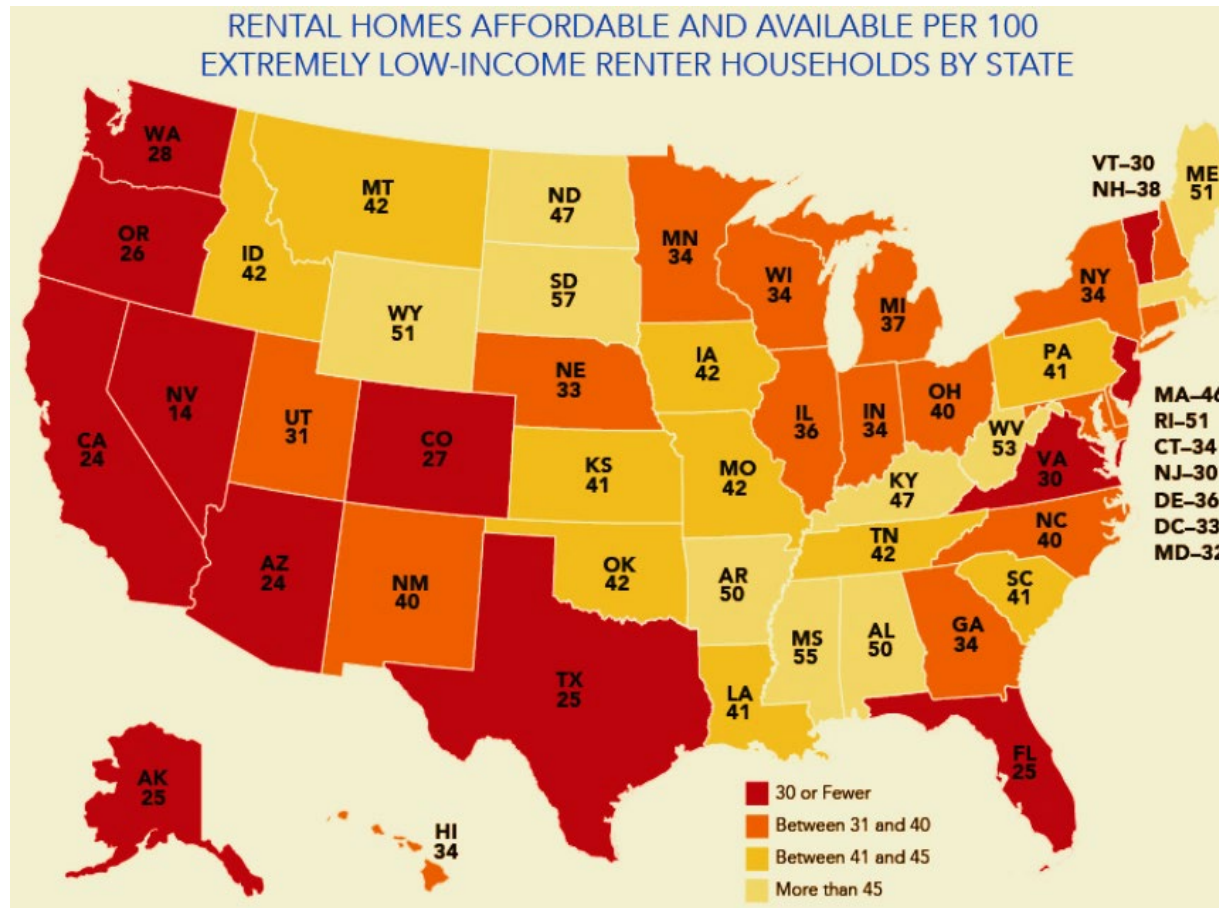
- older adults experiencing cultural, social, or geographical isolation
- isolation due to racial or ethnic status, and
- those facing **housing instability**



# Housing Issues Facing Low-Income Older Adults

- Increasingly Unaffordable Rents and Costs of Homeownership
- Lack of an Adequate Supply of Affordable Housing
- Increasing Disabilities/Lack of Physically Accessible Housing
- The Dual Burden of Paying for Housing and Care
- Increasing Care Needs: Models that integrate housing and services
- Hoarding

# A Lack of Affordable Housing

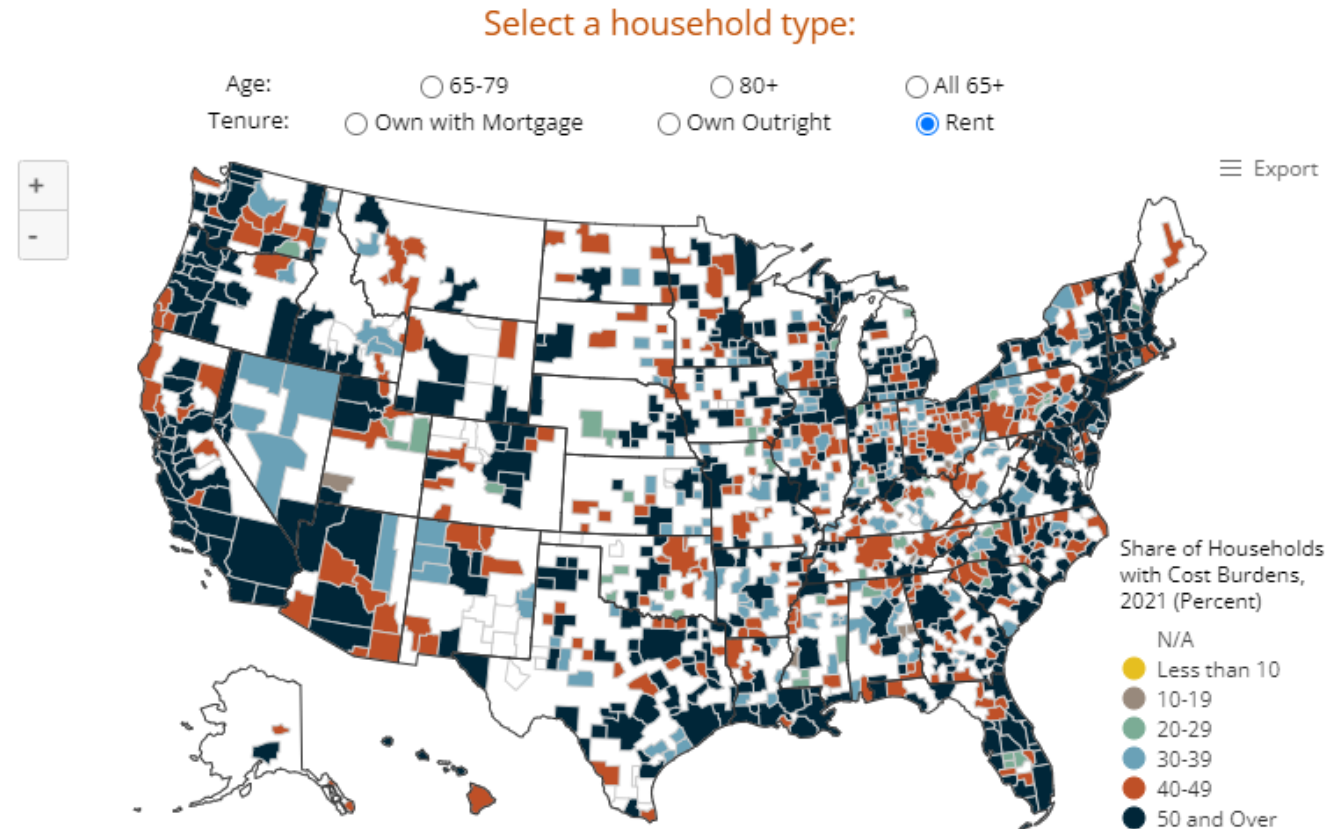






# Cost Burdens

## OLDER ADULTS WITH COST BURDENS AT ALL-TIME HIGH

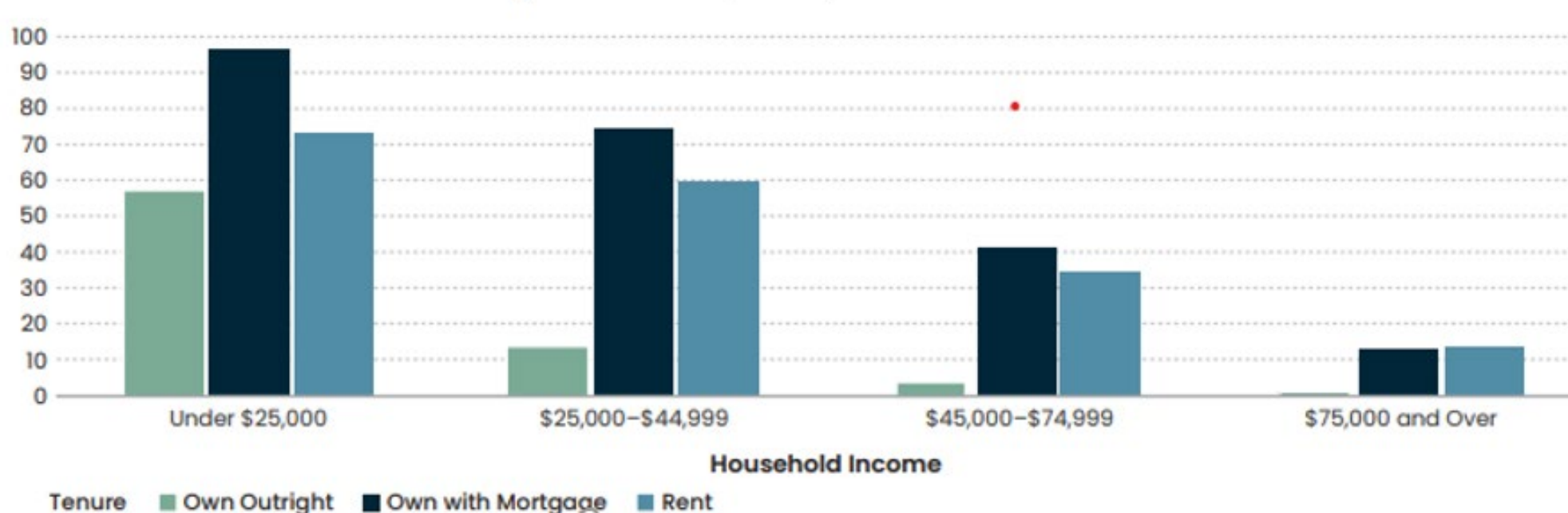




# The Housing Affordability Gap is Growing, Especially for Lower Income Older Adults

Across Incomes, Significant Shares of Older Renters and Homeowners with Mortgages Face Housing Cost Burdens

Share of Cost-Burdened Households Age 65 and Over (Percent)





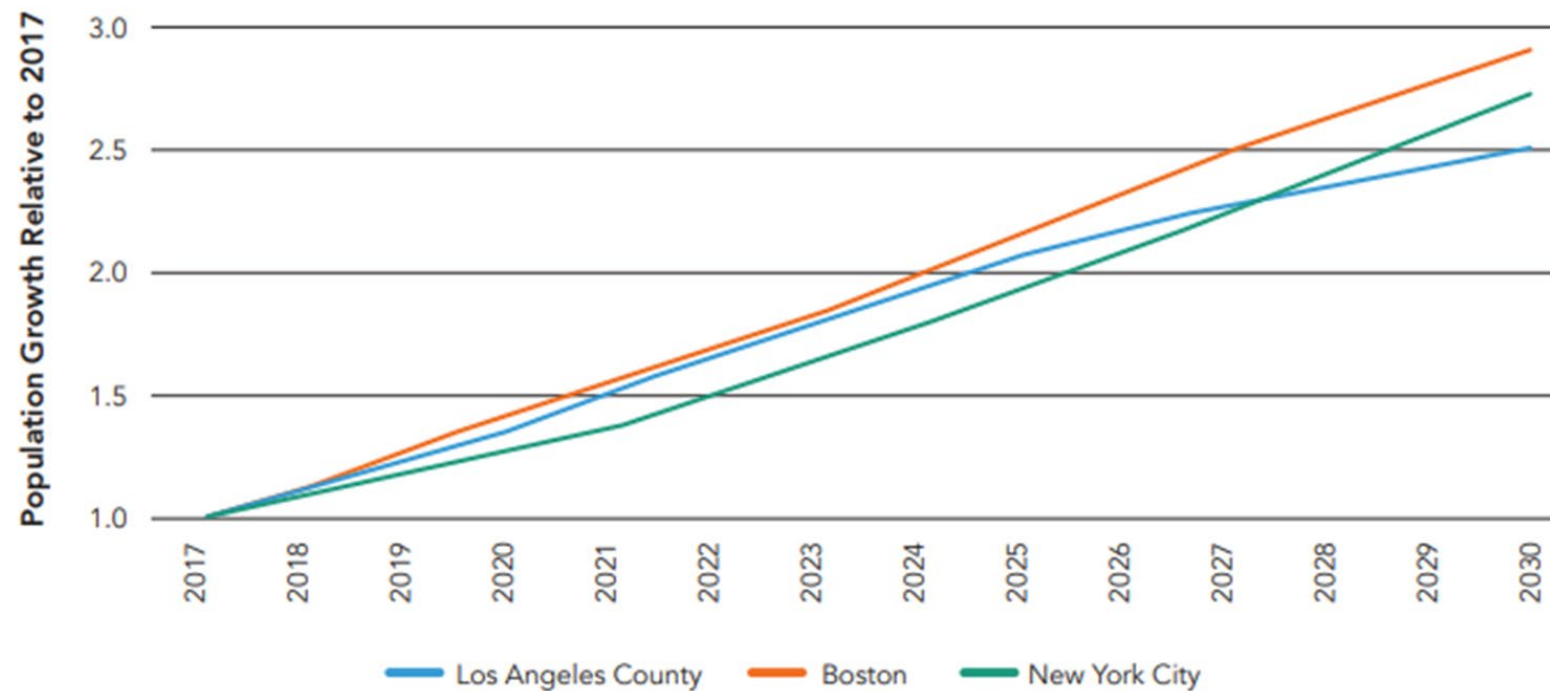
# Lack of Affordable and Accessible Housing

- 3.7 million older renter households whose income makes them eligible for federal housing assistance do not receive it.
- Older housing stock: Accessibility



# Sharp Increase in Older Adult Homelessness

Figure 2: Forecasted Relative Change in the 65 and Older Homeless Population Compared to 2017





# Issues that Arise for Older Homeowners

- Can't afford mortgage, taxes and utilities
- Reverse Mortgages
- Predatory Lending Scams and other Equity Stripping Devices
- Tax Liens
- Mortgage Foreclosures
- Need for accessibility modifications



# Learn More: Homeownership Issues

Today, we will focus primarily on solutions for older renters, but trainings on homeownership issues are available:

- [Heirs Property: Legal Strategies to Keep Older Adults in the Family Home](#)
- [Preventing Tax Foreclosures for Older Adults: Accessing Tax Relief Options](#)
- [New Federal Policies to Prevent Reverse Mortgage Foreclosures](#)
- [Home Equity Theft and Other Emerging Scams Impacting Older Adults](#)
- [Programs to Keep Older Adults Connected to Energy and Utility Services](#)



# Issues that Arise for Older Renters

- Non-payment of Rent/eviction
- Disability/Reasonable Accommodations
- Hoarding
- Diminished Capability or Diminished Ability for Self-Care



# Strategies for Keeping Older Tenants Housed

- Enactment of tenant protections: Good Cause, Rent Caps
- Early interventions to address housing and service needs
- Using reasonable accommodations to preserve tenancy
- Using source-of-income, fair housing, and other anti-discrimination protections to secure or keep housing
- Financial resources for rental assistance, home modifications
- Assisting with applications/barriers to subsidized rental assistance
- **Eviction defense: connecting tenants with legal representation**



# Role of Legal Assistance

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# Why Should You Refer Clients for Legal Help?

- Landlords MUST go through judicial process and get court order to legally evict
- Without attorney, huge power imbalance
- Eviction cases:
  - Landlords represented in around 81%-90% of cases
  - Tenants represented in around 3-10% of cases
- Legal representation is extremely effective
  - Tenants with full representation win or favorably settle eviction case as much as 96% of the time
- Without representation, vast majority of tenants lose their housing



# Right to Counsel

- Effectiveness of legal representation has led to Right to Counsel movement for eviction cases
- [5 states, 17 cities, 2 counties with Right to Counsel legislation](#)
- Examples: Maryland, Nebraska, Denver, Kansas City, Los Angeles County
- Delaware also has similar legislation (Right to Representation)



# What Can Legal Aid Attorneys Do?

- Enforce client's legal rights and prevent eviction and housing instability
- Represent clients in court and administrative proceedings
- Attorneys can negotiate with landlords to settle case favorably for clients
  - Might mean clients stay in current housing
  - Might mean securing more time for clients to move out and find new housing



# More on What Legal Aid Attorneys Can Do

- Request, negotiate reasonable accommodations for clients with disabilities so they can stay in or access housing
- File fair housing complaints with HUD, state civil rights agencies, and courts
- Address other legal issues intersecting with housing case
- Use information from individual cases to address systemic problems
- Provide trainings, community education



# What Can Legal Aid Attorneys NOT Do?

- Cannot take every case (even in areas with right to counsel)
  - But will at least provide advice/referrals
- Go beyond scope of legal representation to directly help with non-legal issues, such as:
  - Finding provider for behavioral health treatment
  - Housing search assistance
  - Submitting applications for public benefits, subsidized housing
- Provide ongoing support to help clients maintain housing stability



# Tips for Referrals

- Develop relationships with local legal aid programs!
  - Warm handoffs increase likelihood that client's case will be accepted
- Don't wait to talk to legal aid and refer clients – eviction cases move fast
- Send documentation about case (notices, emails with landlord, etc.)
- Especially important to refer clients with subsidized housing who might lose housing AND subsidy



# Where to Refer Clients for Legal Assistance

- [National Center for State Courts Map of Legal Aid Providers](#)
- [OAA-funded legal assistance providers](#) (contracted through the AAA)
- [LSC-funded legal aid agencies](#)
- [LawHelp.org](#) (includes information on non-LSC legal aid agencies)
- [P&A Agencies](#) (provide legal representation for people with disabilities)
- [FHIP \(fair housing\) agencies](#) (not all provide legal aid, but those that do can provide legal representation in fair housing cases, like cases involving reasonable accommodations)





## Chat Question

What is one major area of concern your clients tend to face that could benefit from input/advice from a legal assistance provider?

# Promising Collaboration Model

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# Promising Model Presenters



**Megan Wood**, Senior Staff Attorney, Prairie State Legal Services, Inc., Bloomington, IL

**Annette Morrison**, Central Point of Entry, Senior Information Services and Caregiver Advisory Supervisor, CCSI Case Coordination, LLC, Illinois

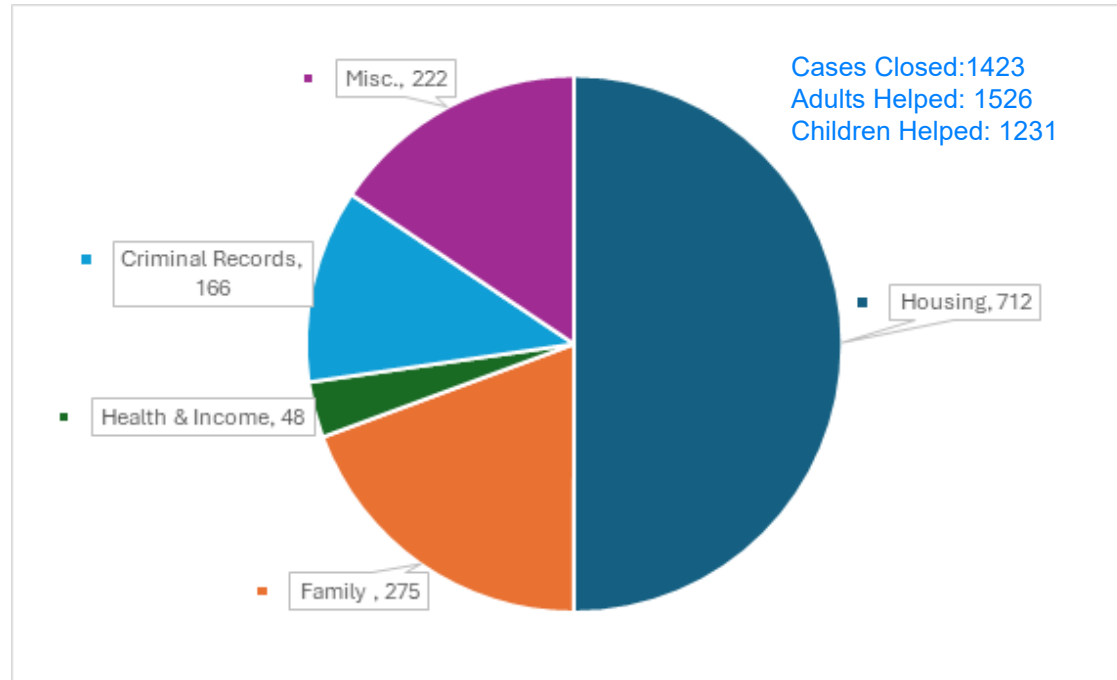
# CCSI: Social Service Agency in Central IL

- CCU for IL Dept. on Aging Community Care Program
- Choices for Care Screening
- Senior Information Services
- Senior Health Insurance Program (SHIP) Counseling
- Healthy Aging Classes
- Caregiver Advisory Services
- Geriatric Counseling through PEARLS





# Prairie State Legal Services



PRAIRIE STATE  
LEGAL SERVICES



# Working Together: How It Started

- Parallel outreach
- Overlapping issues: public benefits, health insurance, scams, utility shutoffs, housing, advance directives
- Old referral form difficult to use, no plan for PSLS to refer clients back to CCSI



PRAIRIE STATE  
LEGAL SERVICES



# How It's Going

- Streamlined referral process
- Point person on each end with authority
- Information sharing
- Aligned Goals:
  - Keeping clients in community settings
  - Client-centered/person-centered approach



PRAIRIE STATE  
LEGAL SERVICES



# Case Example: John

- Moving from homeless camp into public housing
- Referred to PSLS: Eviction notice—nonpayment of rent
- Several other issues identified: phone, SNAP benefits wrong, SSI benefit suspended
- Negotiated with HA for extended period to catch up on rent
- Shared information to correct benefits issues together







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# Q&A

[placeholder; slides will be down]



## Key Takeaways

- Older adults face mounting and multi-faceted issues related to housing and housing instability.
- Legal assistance can provide a rights-focused presence to bridge the gap in justice for particularly low-income older adults.
- Cross-organizational collaborative teams provide durable and comprehensive support for individuals experiencing housing instability or homelessness.
- Partnerships are about more than keeping individuals housed; they're about addressing the conditions which led to the housing instability and working holistically to sustain housing.



# HSRC Website

- Slides, recording, and transcript from today will be posted on the HSRC website.
- For that and other helpful links to resources, please visit:  
<https://acl.gov/HousingAndServices>

The screenshot shows the homepage of the Housing and Services Resource Center. The browser address bar displays <https://acl.gov/HousingAndServices>. The page features a dark blue header with a 'Share' button and a search bar. Below the header is the HSRC logo, which consists of a stylized house icon and the text 'Housing and Services Resource Center'. To the right of the logo are links for 'About the Partnership' and 'Spread the Word'. A prominent orange button reads 'I NEED HOUSING OR SERVICES HELP'. The main content area features the text 'Connecting the housing sector and the community living networks' next to a graphic of five colorful houses (blue, red, yellow, blue, red). Below this is a 'Welcome to the Housing and Services Resource Center!' section, followed by a paragraph explaining the center's mission: 'The Housing and Services Resource Center was created for people who work in the organizations and systems that provide housing resources and homelessness services, behavioral and mental health services, independent living services and other supportive services, and others who are working to help people live successfully and stably in the community.' A final paragraph states: 'Our goal is to foster collaboration and cross-sector partnerships, in order to streamline access to services, better leverage resources, and ultimately make community living possible for more people.'



# Connecting

the housing sector and the  
community living networks



## Focus Areas

Explore accessible, affordable, fair housing; homelessness; supportive services; tribal housing; and transitions



## Models

Use these guides, examples, practices, and more to help you build, adapt, and grow partnerships across sectors



## Tools

Find tools to support action, including data, reports, directories, training, toolkits, and funding information



## What's New

Check this page regularly for our latest news and updates on webinars, tools, and technical assistance



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Email us at [hsrc@acl.hhs.gov](mailto:hsrc@acl.hhs.gov)

- We want to learn about your **partnerships and innovations**
- We have **technical assistance** available
- We welcome subscribers to the **HSRC Listserv** (18,000 and growing)
- Visit the HSRC hub at [acl.gov/HousingAndServices](https://acl.gov/HousingAndServices)





## Acknowledgment



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