

Justice Action Group

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Justice for All: A Report of the Justice Action Group

Appendix B Homelessness Crisis Intervention Model October 10, 2007

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Appendix B

Report from the Planning Work Group on Reducing the Need for Crisis Intervention: Homelessness Crisis Intervention Model

Clients' lives and the civil justice system are all stressed by last minute crises and emergencies. Such crises skew resource allocation toward judicial proceedings and away from interventions that could resolve the problem earlier and in a more efficient manner. Resolving client problems "upstream" before they require legal intervention will reduce the disruption in clients' lives and the likelihood that vulnerable populations will need to engage the civil justice system. It will also help to assure speedy and effective access to legal services, to the courts and to administrative agencies in situations in which a court proceeding or hearing is essential to resolution of an issue. As part of JAG's Statewide Planning Initiative, the Reducing the Need for Crisis Intervention Work Group was charged with developing a strategy for helping people "upstream" before a crisis developed to possibly avoid the need for a legal intervention and reduce the need for legal resources to resolve the problem (e.g., legal aid providers, volunteer lawyers, courts).

The Work Group adopted a two-prong approach to this task:

- ▶ Create a Crisis Intervention Blueprint that can be used systematically over time to identify issues and adopt strategies for early intervention and avoiding crises
- ▶ Apply this blueprint to a particular issue to assess its effectiveness and as a model for future collaborations.

The Work Group chose as its issue homelessness resulting from eviction. The Crisis Intervention Blueprint and Homelessness Crisis Intervention Model are set forth below.

For more complete information about JAG's recommendations regarding reducing the need for crisis intervention, go to the Final Work Group Reports at: <http://www.mbf.org/JAGWGCombinedFinalRpts5-5-07.doc>, or the Justice for All: A Report of the Justice Action Group at: <http://www.mbf.org/justice.htm>.

Reducing the Need for Crisis Intervention Work Group Participants Included:
Jon Bradley, Chair; Cesar Britos, Vice Chair; Crystal Bond, Helen Bailey, Alice Conway, Frank D'Alessandro, Carla Dickstein, Carter Friend, Nancy Fritz, David Karraker, Chris Northrop, Blanca Santiago, Nora Sosnoff, Catherine Stakeman, Jon Stanley, Beth Stickney, Paul Thibeault, Shawn Yardley

Crisis Intervention Blueprint

Choosing An Issue

The Work Group developed the follow criteria to use in selecting its target issue:

- Issue lends itself to upstream intervention to avoid later engagement with legal system and legal service providers
- Issue area is one that the legal service providers spend a lot of staff time on, particularly crisis-related
- Issue is a priority area for both legal aid and social service providers
- There are existing coalitions working on in the issue that can be built on
- There is passion/energy around addressing the issue
- Likelihood of demonstrable success in the near future – important first time out of the box
- Sustainability
- (And unique to this Work Group: the size of issue – it is something for which this Work Group can identify suggested strategies and short term outcomes, given the Work Group’s limited lifespan)

Creating a Collaboration to Address the Issue

The Work Group identified the following steps to use to create a collaboration and identify strategies to address the chosen issue:

- Identify who are the right people to be involved in developing and implementing strategies in the chosen issue area (e.g. legal aid providers, court personnel, private bar, social service providers, funders, and clients). These are potential collaboration members.
- Convene the collaboration.
- The collaboration should then:
 - Identify who else should be at the table
 - Assess needs-related data
 - Inventory current work already going on to address this issue
 - Using existing models from Maine and other states (i.e., best practices) and brainstorming, identify the top strategies to achieve the desired outcome(s)
 - For each strategy, be very specific about:
 - What will be done (include key steps and a timeline)
 - Who should be involved in doing it to make it successful and what their role would be, and
 - What resources will be needed (be specific about this – e.g., if money is needed).
 - Evaluation – how to know if you’ve succeeded.
 - Implement the strategies

Desired Outcomes

The Work Group identified three broad outcomes related to reducing the need for crisis intervention. These reflect a continuum. The collaboration should consider developing strategies for each of these outcomes for the chosen issue:

1. Reduce the likelihood that vulnerable populations will require legal representation
2. Assure speedy and effective access to legal services where such services are necessary
3. Reduce the reliance on courts and legal resources in favor of less protracted and more effective procedures.

Homelessness Crisis Intervention Model

Within the area of homelessness, the issue chosen by the work group was:

Reducing the Need for Crisis Intervention in Evictions That Often Lead to Homelessness

Overview

The work group chose to focus on homelessness prevention, in part because a large, inclusive statewide planning group had recently developed a “Homelessness Prevention Plan” and because one of the target areas of the plan, “To Reduce the Number of low-income tenants who are evicted from apartments each year,” met the established criteria.

The workgroup quickly established key strategies and divided into sub-groups that would tackle each broad strategy. A key part of moving forward was the recognition that there were many populations at risk of eviction who could be reached in different ways. The list of populations at risk at the end of the overview has proven helpful in developing strategies and can be generalized to other populations at risk.

Populations at Risk

- Vulnerable elderly persons;
- Persons who are the object of discrimination on the basis of race, ethnicity, national origin, gender, sexual orientation, religion, age, or disability;
- Persons with rental history problems;
- Persons who are at risk of losing their housing via foreclosure;
- Persons with disabilities whose condition and need for critical supports exceed what landlords are able or willing to provide;
- ‘The uninformed’—that is, people unable or unprepared to decipher the language of leasehold agreements, or those living on month-to-month

- arrangements -- who lack information about their statutory and/or common law rights as tenants, or those who share housing and are not the official “tenant”;
- Persons with limited language facility that places them within the risk category immediately above;
 - People who, for cultural or other reasons, are unwilling to investigate or pursue legitimate avenues of relief, often out of fear of reprisal;
 - People living in substandard housing, including, most particularly, those in which landlords refuse to bring the properties into compliance with building codes and tenants are forced to leave as a result;
 - People with criminal histories (including but not limited to convicted sex offenders);
 - People whose altered marital or informal living arrangements require one or more of the parties to vacate;
 - People who fail to fulfill their obligations as tenants.

The report is organized by two broad goals followed by strategies, and recommended actions.

I. GOAL: REDUCING THE LIKELIHOOD THAT VULNERABLE POPULATIONS REQUIRE LEGAL REPRESENTATION

Strategy 1: Tenants in communities at high risk for evictions will have increased awareness of their rights and responsibilities.

Actions Recommended:

1. Identify and involve partners in disseminating information. Venues potentially available as avenues for dissemination of information include the following:

- Housing authorities;
- Organizations providing vouchers for subsidized housing;
- All public health and human service provider agencies in Maine;
- Community Housing of Maine;
- Housing coordinators for organizations such as Shalom House;
- Mental health service providers (It was reported that many mental health workers are often poorly informed or misinformed about these issues. The suggestion was made that among those we should consider including in subsequent discussions is Sheldon Wheeler at the Office of Adult Mental Health Services.);
- Alpha One;
- The Maine Human Rights Commission;
- The NAACP (Portland and Bangor chapters);
- Rural and other public health centers;
- Social service providers with organizations such as Catholic Charities, other private human service organizations

- Health care organizations, such as hospitals and clinics
- Schools
- Churches, mosques, temples
- Community meetings
- 211 Maine
- Libraries
- Community Action Programs
- Domestic violence prevention and related agencies

2. Identify and Utilize new methods of disseminating information.

- **Internet/Web:** We considered the efficacy of the internet as an avenue of dissemination and concluded that a good proportion, if not a substantial majority, of the people we are concerned about lack either computer access and/or user facility. But this may be an effective way to reach and improve the awareness of service providers and others whose work brings them into frequent contact with these populations.
- **Compact Discs and Brochures:** Design and disseminate a ‘know your rights’ brochure in several languages that speaks plainly and straightforwardly, even to those with marginal literacy. Prepare and produce compact disks in various languages, e.g.
 - French
 - Spanish
 - Arabic
 - Somali
 - English
 - Khmer
 - Vietnamese
 - Acholi

for widespread distribution, on the premise that more people among our targeted cohorts use this medium than look to printed materials for information and guidance. Such materials could be distributed through the several venues identified above—handed out in waiting areas in service locations, for example, or given to people during one-one one interviews with service personnel. The 211 call-in referral service might be a particularly excellent distribution mechanism in this regard.

- **DVDs and Common Spaces:** Since most waiting areas in service locations have television sets, generally tuned to soap operas or other programs of marginal interest to targeted groups, produce DVDs with information on tenants’ rights and eviction issues presented in visual format which would run continuously throughout the day on television sets in waiting areas in each location. The DVDs need not be restricted in to tenant issues; they could address a whole range of subject matter

affecting the lives of people using services in these various locations. They would perhaps be more likely to awaken the awareness of people in passive states of mind who are waiting to receive services or see a service provider than CDs, which could be piped through public address systems into waiting rooms but which many people might find irritating.

None of these tools is meant to exclude the production and distribution of any of the others. We anticipate using them in tandem to accomplish our objective. The relatively low unit cost of producing these items might make them particularly attractive to philanthropic sources interested in cost-effective and novel approaches to meeting human needs.

Strategy 2: Advocates have an increased understanding of eviction law and tenant's rights and responsibilities

Actions Recommended

- 1. Develop Community Wide Collaborations focusing on homelessness or poverty issues as a means of developing activities aimed at increasing advocate's knowledge about tenant's rights and eviction law.** A pilot program is being developed by Bread of Life Ministries in Augusta. The primary goal of the program is providing services to targeted families to help them settle more successfully into new permanent housing, and maintain themselves in that home over an extended period of time. The issue of making sure that advocates and program staff are knowledgeable about tenants rights can be one of the group's activities. This collaborative can provide a model to be replicated in other communities in the State.

Those involved include: Bread of Life Ministries, Southern Kennebec Child Development Services, Maine State Housing Authority, Department of Health and Human Services – Mental Health and Substance Abuse as well as TANF/ASPIRE personnel, City Social Services Task Force, Adult Education, Career Centers, Pine Tree Legal Assistance.

We did not identify or quantify the resources that would be needed but acknowledge there would be a need for resources.

- 2. Make information about the rights and responsibilities of tenants available to advocates in a variety of formats.** Methods of disseminating information: see strategy 1 #2

- **Internet/Web:**

We felt that it was important to provide the training materials to advocates using the same reading levels and wording as provided to clients in order to make it easier for advocates to pass along the information to their clients.

- **Brochures and Compact Discs:**
- **Waiting Rooms and Common Spaces:**

3. Develop/expand Advocacy Institute to provide training to advocates on both advocacy skills as well as topical issues such as landlord/tenant law.

Last October Maine Equal Justice provided a one day advocacy training in the Central Maine area for advocates. It would be ideal to have a center with periodic trainings where people could learn advocacy skills, substantive law topics, as well as for networking opportunities. Perhaps something could be created with one of the Community Colleges or the University of Maine.

Who would be involved: Maine Equal Justice, Head Start programs, Preble Street's Homeless Voices for Justice, University and/or Community College system, Pine Tree Legal, student organizations, welfare rights organizations.

Obviously this project would take substantial monetary resources. The group thought it was important to identify funds to help low-income individuals access the trainings as well as advocates.

Strategy 3: Increase Resources Available to stop/prevent evictions

Actions Recommended

1. **Change Emergency Assistance.** The Homelessness Prevention Plan recommended an increase in the Emergency Assistance Program administered by DHHS by making the resource available to adult households without minor children in the home, as well as increasing the maximum available to alleviate housing emergencies to \$600.

Using the matrix established by the Work Group, we developed the following plan:

What will be done: Legislation is being submitted. Bill should be printed in the near future. It will be assigned to the Health and Human Services Committee and a public hearing will be held at which key individuals should testify. Calls will be encouraged to Committee members by key constituents. Calls will be encouraged to all legislators when it goes to full body for vote.

Who should be involved: Homelessness Council, JAG Work Group members, welfare directors, employers, Maine Businesses for Social Responsibility, individuals who can

testify about their personal experiences. There was discussion about whether the JAG Executive Committee could take a position on the bill. Sally Sutton indicated the timeline is likely to be a problem if the legislation is acted on this year. If it's carried over into next year then it may be possible. Anna Hicks thought the bill would be acted on this year. She and Sally will discuss whether there is some other route to get support from JAG for the legislation. A recommendation from this subgroup will be that the Workgroup recommend endorsement of the legislation from the JAG in their interim report. Shawn Yardley reported that the Bangor Chamber of Commerce might also be willing to endorse the legislation.

What resources will be needed: There is a fiscal note to cover the increase in the maximum available amount to \$600 and the inclusion of adult households without children.

Strategy 4: Increase Protections for tenants

Actions Recommended

- 1 Extend to all tenants who receive a Notice to Quit based on nonpayment of rent the option of paying the rent to resolve the issue. Prevent landlords from eliminating this right, already afforded to tenants-at-will, by the way a lease is written.**

What will be done: The group thought that it would not be wise to try to open up the landlord/tenant statutes to address this issue at this time. There would be a great deal of resistance from a well organized landlord lobby. Instead, it was recommended that the Attorney General's office be asked to amend their model lease to include the appropriate language. Many private landlords use the AG's model lease. Jim McKenna from the AG's Consumer Protection Division is on another JAG Work Group dealing with consumer issues so this might be an issue that cuts across groups.

Once language has been drafted, we would request the Maine State Housing Authority to include the language in their leases and approach the statewide association of local housing authorities to do the same.

We will ask the Maine State Bar Association to support the changes to the model lease and endorse its use among clients.

Along these same lines of affording greater protection to tenants, Frank D'Alessandro proposed that leases also include language that would protect victims of domestic violence from being evicted for causing a disturbance.

A timeline needs to be established.

Who should be involved: In terms of the domestic violence issue, it's important to start by bringing the recommendation to the Maine Coalition to End Domestic Violence.

Frank volunteered to draft some proposed language. We would then need to identify a person to attend one of their monthly meetings to move the issue forward.

The group recommended asking Jim McKenna to join a full Work Group meeting to discuss the amendments to the model lease. Once language has been prepared and incorporated into the model lease, then that language would be brought to the Maine State Housing Authority, the local housing authorities and the Maine State Bar Association.

What resources are needed: We didn't identify any substantial resources that would be needed.

- 2. Provide in Maine law for the inclusion in all Eviction Notices of the tenant's right to go to court. Each Eviction Notice would also have the following language:**

You may have a right to financial assistance with your rent through General Assistance and/or the DHHS Emergency Assistance program.

We thought the best way to start to promote this would be to follow basically the same steps as with #2 – try to get it in the AG's model lease and get the housing authorities to use it.

There was also considerable discussion about evictions from rooming houses. Frank D'Alessandro has been involved in the effort in Portland to get a city ordinance that addresses this issue. He explained to us that the current statutes do offer protection to this group of people already; they are entitled to a Forcible Entry and Detainer action the same as other tenants, as long as the establishment is not licensed as a hotel/motel by DHHS.

What will be done: Educate tenants and advocates (Groups C and D) about the current law. Make referrals to Pine Tree Legal Assistance for legal representation. Get copy of current DHHS policy regarding licensing. Work with landlord association to educate owners and managers of rooming houses.

Who should be involved: Advocates, tenant groups, Pine Tree Legal Assistance, and landlord association.

What resources are needed: We did not identify any needed resources.

II. GOAL: ASSURE SPEEDY AND EFFECTIVE ACCESS TO LEGAL SERVICES

Strategy 1: Stabilize and expand funding for high volume Forcible Entry and Detainer (FED) courts (high volume defined as 100+ FEDs in 2005).

Identify people: Patrick Ende (Governor's Office), Nancy Fritz (Statewide Homeless Counsel), Sharon Sprague (DHHS), Nan Heald (Pine Tree Legal), Cesar Britos (Maine Bar Foundation), Sally Sutton (JAG)

Current work: Pine Tree Legal Assistance currently dedicates the equivalent of 2.5 full-time attorneys to the Homeless Advocacy Project (HAP) around the State with additional support from other staff as necessary. These attorneys serve as 'lawyer of the day' (LOD) in District Court when Forcible Entry and Detainer (FEDs) proceedings are scheduled in order to provide representation to low-income tenants. These attorneys prioritize representation where legal services will insure enforcement of Maine laws regarding the eviction procedures and where advocacy can minimize the risk of immediate homelessness. The following 8 courts are covered on a regular basis; they include the five busiest courts in terms of the volume of eviction cases heard on an annual basis around the State:

- Portland District Court (746 FEDs in FY 2005)
- Lewiston District Court (710 FEDs in FY 2005)
- Bangor District Court (573 FEDs in FY 2005)
- Biddeford District Court (418 FEDs in FY 2005)
- Augusta District Court (306 FEDs in FY 2005)
- Springvale District Court (175 FEDs in FY 2005)
- Caribou/Presque Isle District Courts (87 FEDs in FY 2005)

As part of this project the HAP attorney also provides continued legal representation that makes it possible for a homeless adult or household to secure services that will support family stability, especially access to general assistance. The HAP attorneys and support staff prioritize cases where legal services will assist homeless shelters in their communities, including staff training in the general assistance program, and will then accept referral of clients. Enforcement of federal or state laws regarding other benefit programs and housing will be included as part of Pine Tree's general advocacy mix.

Next steps: Four high volume FED courts without LOD services have been identified (Skowhegan, 154 FEDs in 2005; Waterville, 239 FEDs in 2005, West Bath, 249 FEDs in 2005 and Wiscasset, 189 FEDs in 2005). In order to serve those locations Pine Tree would need to add 1.5 attorneys at an approximate cost of \$110,000.00.

Strategy 2: Develop pro bono projects for courts not served by ongoing FED projects.

Identify people: Frank D'Allesandro (Pine Tree Legal), Rebecca Farnum (MSBA Access to Justice Committee), J. Ann Murray (Deputy Chief District Court Judge), Chris Hastedt (Maine Equal Justice Project), Chris Northrop (University of Maine School of Law)

Current work: n/a

Next steps: Need to develop a Continuing Legal Education (CLE) training program, and obtain funding (approx. \$7,500.00) so the CLE program can be offered at no cost to attorneys in areas that do not have a FED-Lawyer of the Day program. Then the committee needs to come up with an effective incentive to secure the involvement of the local bar.

Strategy 3: Create separate scheduled FED dockets so that FEDs are held at specific and predictable times to maximize the impact of the Lawyer of the Day on providing legal assistance.

Identify people: J. Nivison (Chief District Court Judge), Bernard O'Mara (District Court Judge, Caribou), Carrie Leighton (Pine Tree Legal), Wendy Rau (Director of Court Operations)

Current work: n/a

Next steps: Meet with and convince J. O'Mara to rework calendars in Caribou and Presque Isle. No funding required.

III. GOAL: EVALUATION

Clearly, the best evidence of impact would be statistical reductions in the incidence of eviction among the populations we have targeted, starting with a baseline year and comparing results over time. But we also need to track and measure what are sometimes, in the parlance of program evaluation, referred to variously as "outputs" or "intermediate outcomes" or "process outcomes". Plainly put, we need to determine whether the information delivery mechanisms we implement are actually put in place, and whether the materials we prepare for distribution are available, and whether the changes in resource availability and the increases in the availability of legal representation are actualized.