LIMITED ASSISTANCE, MEANINGFUL RESULTS

The Impact of the Housing Court Assistance Center
**About the Center for Access to Justice**

The Center for Access to Justice at Georgia State University College of Law supports those working to ensure meaningful access to the courts and equal treatment in the civil and criminal justice systems, with a regional focus on the South. To that end, the Center convenes stakeholders, engages in research and public education, and trains the next generation of lawyers to serve the public interest.

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**About this report**

This report reflects research conducted by Center fellow Timur Selimovic (J.D. ’19) and Housing Court Assistance Center (HCAC) supervising attorney Andrew Thompson. The Center for Access to Justice, the Atlanta Volunteer Lawyers Foundation, and Lawyers for Equal Justice are the managing consortium behind the HCAC, and we are grateful to RentPath Gives Back and the law firm of Eversheds Sutherland for their financial support of the HCAC.
Limited Assistance, Meaningful Results:  
The Impact of the Housing Court Assistance Center  
A Report from The Center for Access to Justice

INTRODUCTION

Sociologist Matthew Desmond estimates that approximately two million individuals were evicted across the United States in 2016.¹ That means that for every individual who dies in a car accident in the United States, two individuals are evicted.² Evictions are “a problem of enormous consequence” in the United States, ranging from “immediate and future housing instability, to homelessness, job loss, school turnover, deteriorated health, and mental illness.”³ Neighborhoods with high eviction rates experience increased rates of crime, which Desmond argues happens because evictions rip apart a community’s fabric.⁴

Renters in Georgia are almost twice as likely to be evicted than the average United States renter.⁵ It comes as no surprise then that the capital city of Atlanta is plagued by the deleterious consequences that stem from eviction. Atlanta metropolitan area counties Fulton, DeKalb, Cobb, Gwinnett, and Clayton account for 67 percent of the population and 88 percent of the multifamily rental units in the metropolitan area.⁶ Out of 22 counties with comparable population density—selected from the 20 largest metropolitan areas across 13 states—those five metro area counties had the five

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¹ David Brancaccio & Katie Long, Millions of Americans are evicted every year — and not just in big cities, Marketplace, (Apr. 9, 2018), https://www.marketplace.org/2018/04/09/economy/eviction-desmond-princeton-housing-crisis-rent. The two million figure is likely a low estimate. Some evictions are sealed, and therefore unavailable to the public, while other evictions, though matters of public record, are filed in remote, rural areas that are difficult to reach for purposes of data collection. Id.
² Id.
³ Dan Immergluck et al., Multifamily Evictions, Large Owners, and Serial Filings: Findings from Metropolitan Atlanta, Urban Studies Institute, Georgia State University, 4 (Mar. 19, 2019).
⁵ Eviction Lab, https://evictionlab.org/map/#/2016?geography=states&type=er&locations=13,-83.46,32.662 (showing that the national eviction rate in 2016 was 2.34%, while Georgia’s eviction rate was 4.71%).
⁶ Immergluck, supra note 3, at 15.
highest eviction rates in 2016.\(^7\) In 2015 in Fulton County—Georgia’s most populous county—107 evictions were filed every day.\(^8\) The sheer volume of evictions in metropolitan Atlanta has not gone unnoticed. According to an investigation completed by the Atlanta Journal Constitution (AJC) in June 2018, serial eviction filings—described as “filings made within a year of one another at the same property, against a tenant with the same name”—increased by almost 20 percent between 2010 and 2016 across Atlanta’s metropolitan counties.\(^9\) Eviction filings are standard procedure for many landlords, “a process automatically launched when a tenant is late on rent, even by a few days.”\(^10\)

Renters in Georgia are almost twice as likely to be evicted than the average renter in the United States.

Decreasing housing affordability exacerbates Atlanta’s eviction issues by making it more difficult for evicted tenants to find new housing. In July 2018, the Atlanta Regional Commission (ARC) released a study on rental housing affordability in metropolitan Atlanta.\(^11\) Between 2011 and 2016, rents in metropolitan Atlanta increased nearly 48 percent (55 percent since 2010), while wage growth increased by just 10 percent.\(^12\) Between April 2011 and April 2017, Atlanta experienced the same percentage increase in rents as San Francisco.\(^13\) According to the ARC report, an individual earning minimum wage would have to work 109 hours each week to afford a two-bedroom rental home in Atlanta at “fair market rent,” defined by the U.S. Department of Housing and Urban Development as a best estimate of rent and

\(^7\) Id.
\(^10\) Id.
\(^12\) Id. at 10.
\(^13\) Id. at 11.
utilities costs for a rental property. Stated differently, it would take almost three full-time minimum wage earners to finance rental payments for a two-bedroom home in metropolitan Atlanta. Simply put, for many, rents in Atlanta are out of reach.

Those that end up in housing court are very likely to navigate their landlord-tenant disputes without counsel. In Massachusetts, 93 percent of tenant-defendants are unrepresented in summary eviction proceedings, relative to 41 percent of landlord-plaintiffs. Similarly, a 2017 report found that in Hawaii, 96 percent of tenants in landlord-tenant disputes proceeded without counsel. Until 2014 in New York City, where there are roughly 42 attorneys per 1,000 individuals, tenant-defendants were represented in 10 percent of cases at most, relative to landlord-plaintiffs who appeared with counsel in at least 90 percent of instances. In December 2018, however, New York City announced its groundbreaking Universal Access to Counsel program, guaranteeing legal representation by July 2022 for all income-eligible tenants facing eviction.

Providing full legal representation to tenants fighting eviction is certainly one way to help restore the justice balance in housing court. But other programs that are less resource-intensive and do not involve in-court legal representation also contribute to

14 Id. at 12.
15 Id.
positive, more equitable outcomes. The Fulton County Housing Court Assistance Center (HCAC) is one example of such a program. In its first year and a half of operation since re-opening in 2017, the HCAC has assisted more than 1,500 Fulton County tenants. For a program that operates for only six hours each week and is run almost exclusively by volunteer attorneys and law students, the case outcomes and overall results are significant.

Part I of this article briefly discusses the various models of limited-scope representation; Part II provides an overview of eviction under Georgia law; Part III introduces and describes the HCAC model; and Part IV discusses the HCAC’s empirical data and what they suggest about the potential value of limited-scope assistance.

I. MODELS OF LIMITED-SCOPE ASSISTANCE

Civil litigants who proceed pro se face significantly less favorable case outcomes compared to represented parties. In the housing law context, a tenant’s likelihood of receiving a favorable judgment can increase tenfold with the assistance of an attorney. Assistance from an attorney is not limited to full representation; rather, it ranges from simple advice to in-court representation, and the attorney’s involvement may last for all or part of an individual’s legal dispute. Numerous legal services formats exist that are designed to improve a tenant’s experience with the court system or individual case outcome. These services include limited-scope counsel, unbundled legal services, non-lawyer assistance programs, and self-help programs.

Limited-Scope Counsel

In a study that gathered data from October 2015 through January 2017, attorney James Mandilk evaluated case files for over 1,200 foreclosure-related motions in New Haven

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20 Housing Court Assistance Center, Yearly Report October 2017 – October 2018 and subsequent monthly reports through June 2019, on file with author.
21 Jessica K. Steinberg, Demand Side Reform in the Poor People’s Court, 47 CONN. L. REV. 741, 756 (2015).
22 Id. at 757.
Superior Court in Connecticut. The motions specifically involved defendants who either appeared pro se or with limited-scope counsel from Yale Law School’s Housing Clinic, previously called the Attorney for Short Calendar program (ASC). Mandilk found that (1) for hearings on motions, homeowners with in-court limited-scope representation—i.e., where an attorney advocates on the homeowner’s behalf—received substantially more time in their homes; and (2) in general, homeowners receiving in-court limited-scope representation at any point during their case had a significantly higher likelihood of ultimately prevailing. Mandilk observed overall that ASC clients experienced significantly improved outcomes: judges delayed unfavorable judgments more often; clients were more likely to win mediation-related motions; and ASC clients received approximately 48 more days of lawful possession of their homes relative to homeowners proceeding pro se. While Mandilk’s findings come from just one study and do not purport to speak for limited-scope representation in general, they do offer support for the idea that access to counsel, even for limited services, can improve case outcomes in housing court.

Unbundled Legal Services
Unbundled legal services address one of the primary concerns that individuals face when contemplating legal action, namely the costs associated with hiring an attorney. Unbundled legal services are an alternative to the traditional, full-service legal representation model, allowing an individual to choose from an array of legal services and narrowly customize the representation to the individual’s need(s) and demand(s). As opposed to a full-service arrangement with an attorney, where the attorney typically advises the client on all pertinent issues concerning a legal dispute until it is resolved, unbundled legal services allow an individual to contract with an attorney for help with one or more discrete tasks. In the unbundled context, common lawyering tasks—

24 Id. at 1828.
25 Id. at 1855.
26 Id. at 1858.
27 Id.
28 Id.
30 Id. at xvii.
including advising the client, legal research, fact-gathering, discovery, negotiation, document drafting, and representation before a judge or tribunal—are available to the client as a la carte services.\textsuperscript{31}

There are various benefits to unbundled legal services for clients. First, unbundled legal services can cost less than full-service representation.\textsuperscript{32} Given the limited scope of the legal representation, unbundling usually does not require the payment of expensive retainers, and since there is less work contracted for, it follows that the client pays lower overall fees.\textsuperscript{33} Second, by agreeing explicitly and up front to the scope and cost of the unbundled service, clients have more control and understanding over their desired outcome.\textsuperscript{34} Unbundled services place the burden on the client to refine his or her expectations and define the scope of the legal representation.\textsuperscript{35}

Nevertheless, while unbundled legal services may be effective in advancing procedural justice, they are not always as effective in advancing substantive outcomes. In a study that reviewed all eviction filings in a California county in the summer of 2009, law professor Jessica Steinberg concluded the following: relative to over 300 tenants who received no legal assistance, the approximately 100 tenants who received unbundled legal help with drafting a responsive pleading did not fare better in terms of substantive case outcomes.\textsuperscript{36} When compared to their unassisted counterparts, beneficiaries of unbundled legal services “lost their homes just as often, faced just as few days to move out, and made payments to their landlords with the same frequency, and in similar amounts.”\textsuperscript{37} The tenants who benefitted from unbundled legal services did however fare better in terms of procedural outcomes relative to their unassisted counterparts, for example by avoiding default judgment and asserting valid defenses to eviction actions.\textsuperscript{38} Whatever procedural gains tenants realized, however, were minimized when

\textsuperscript{31} Id. at 1.
\textsuperscript{32} Id. at 8-9.
\textsuperscript{33} Id. at 9.
\textsuperscript{34} Id. at 11.
\textsuperscript{35} Id. at 12.
\textsuperscript{37} Id. at 482.
\textsuperscript{38} Id.
re-evaluated to test their impact on substantive outcomes. Steinberg argues that unbundled legal services ultimately (1) “help litigants overcome discrete procedural hurdles to initiate or defend against a claim in court” and (2) enhance “the perception of fairness within the justice system for unrepresented court users.” It is possible, therefore, that unbundling “promotes access but not [necessarily] justice.”

Non-lawyer Assistance Programs

Non-lawyer assistance programs can empower litigants proceeding in court without representation, by reducing the complexity of court procedures, leveraging technology, and training judges and staff on how to help litigants proceeding through the court system. These programs, sometimes referred to as “Roles Beyond Lawyers” (RBL) programs, provide services by trained staff who are not lawyers. RBL programs must carefully balance increased access to justice with concerns for consumer protection, and must achieve these dual goals in a manner that is appropriate, efficacious, and sustainable. Certain jurisdictions view RBL programs as opportunities for trained professionals who are not lawyers to perform a subset of services traditionally reserved for licensed attorneys, like the Limited License Legal Technician program in Washington State. One of the primary issues with such programs is defining what constitutes “legal advice” and what advice non-lawyers can provide without crossing ethical and professional boundaries.

39 Id.
40 Steinberg, supra note 21 at 777.
41 Id. at 784. What Steinberg proposes instead, then, as a potential solution to narrowing the civil access to justice gap, is demand-side access to justice reform. Id. at 787. By dismantling barriers erected by procedural and evidentiary court rules, unrepresented litigants are empowered to argue the merits of their case without running afoul of court rules. The thrust of Steinberg’s suggestion is twofold: by (1) making court less technical for unrepresented litigants and (2) “requiring judges to elicit from litigants as much legally relevant information as possible,” access to justice for diverse unrepresented litigants across case types will increase. Id. at 788.
42 Deborah L. Rhode, What We Know and Need to Know About the Delivery of Legal Services by Nonlawyers, 67 S.C. L. REV. 429, 436 (2016).
43 Id.
44 Rebecca L. Sandefur and Thomas Clarke, Designing the Competition: A Future of Roles Beyond Lawyers? The Case of the USA, 67 HASTINGS L. J. 1467, 1486 (2016).
45 Id.
46 Id.
Self-Help Resources

Enabling litigants proceeding without counsel to help themselves throughout the court process is an alternative mechanism for potentially facilitating more equitable substantive and procedural outcomes. Self-help centers administered by court systems can help self-represented litigants navigate courts more effectively. Help centers are neutral and free, and can assist self-represented litigants with various procedural inquiries; they can also help courts run more efficiently by ensuring that litigants are better informed and prepared when they appear before a judge. Resources available to litigants proceeding *pro se* generally include law libraries with good referral relationships to local legal aid programs; written information that covers major issues of law and procedure, translated into languages that account for local or regional demographics; rules or guidelines that formalize the court staff’s obligation to provide a uniform level of service to all parties, with an emphasis on clear instruction and providing neutral information to visitors; and community workshops on specific legal topics that involve local members of the bar and are of a general educational nature. 47

Litigants can also ask questions of court clerks, judicial clerks, dedicated self-help center staff, or law librarians. 48 But court staff face a fundamental challenge when seeking to help *pro se* litigants help themselves: walking the line between providing legal information as opposed to legal advice, a recurring tension concerning the kinds of questions that court staff can appropriately answer. 49 According to one court staff member interviewed in *Cases Without Counsel: Experiences of Self-Representation in U.S. Family Court*, an empirical research study from 2016, 50 the primary issue is that self-represented litigants want more than mere information—they want to be told what to

48 Id.
49 Id. at 23.
50 Natalie A. Knowlton et al., *Cases Without Counsel Research on Experiences of Self-Representation in U.S. Family Court*, Institute for the Advancement of the American Legal System 1 (May 2016). *Cases Without Counsel* extrapolates data from in-depth interviews with 128 self-represented litigants and 49 court professionals from four family courts. Although the study focuses on the experiences of individuals in family court and not housing court, the underlying takeaways regarding self-help programs in the civil justice context are of a general nature and are applicable to both family and housing disputes.
When asked how court staff should respond to litigants who seek answers to their questions, a former judge said that under no circumstances is it appropriate for a court staff member to make a statement involving the word “should,” adding that a safe approach to dealing with self-represented litigants is to permit, and perhaps encourage, court staff to provide the litigant with options but never with a particular legal strategy.\(^{52}\)

### II. THE EVICTION (DISPOSSESSORY) TIMELINE IN GEORGIA

As in many states, the eviction process in Georgia can be complex and hard to successfully navigate without the assistance of counsel. And, as in many other jurisdictions, legal assistance is not often readily available. Given the steady increase in the number of serial eviction filings in metropolitan Atlanta since 2010, understanding the eviction timeline as it is codified in Georgia law is helpful for purposes of elucidating why, and under what circumstances, legal advice—in any of the forms described above—can improve substantive and procedural outcomes for tenants involved in housing disputes.

**Procedural Summary**

An eviction in Georgia—referred to as a “dispossessory action” in the Georgia code\(^{53}\)—can be summarized in several distinct steps. First, the landlord files a dispossessory summons against the tenant, seeking possession of the contested property, along with any past-due money.\(^{54}\) The dispossessory action is sometimes called a “Proceeding Against Tenant Holding Over.”\(^{55}\) The tenant may be served personally, notoriously, or by “tack and mail,” a process whereby a marshal or private process server posts a copy of the summons and affidavit on the tenant’s door and,

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\(^{51}\) Id. at 27.

\(^{52}\) Id. at 28.

\(^{53}\) See O.C.G.A § 44-7-3 (2010).

\(^{54}\) Atlanta Volunteer Lawyers Foundation, *Landlord Tenant Primer*, 9, on file with author.

\(^{55}\) Id.
on the same day, mails the posted documents to the tenant’s last known address.56 Reasons for filing a dispossessory action vary, but frequently arise from nonpayment or late payment of rent.57

Assuming the tenant contests the dispossessory and wants to avoid a default judgment in the landlord’s favor, the tenant must file an answer to the summons within seven days of service.58 A tenant who has been served with a dispossessory summons can raise multiple issues to substantiate one or more defenses and can submit various counterclaims against the landlord. Once the clerk sets a court date based on the tenant’s answer, a hearing is held during which the tenant may discuss any defenses and counterclaims articulated in the answer.59 If the tenant files a legally sufficient answer within the seven-day period, the tenant and landlord are encouraged to attend mediation, where available, prior to appearing before a judge.60 If the landlord and tenant cannot resolve their dispute in mediation, and if the judge determines on the facts that the landlord properly served the tenant with a dispossessory summons and the tenant does not have a legally sufficient defense, the judge issues a writ of possession in favor of the landlord.61 The writ gives the tenant seven days to vacate the disputed property.62 After that, the landlord can request that the marshals remove any remaining possessions from the home.

Compared to other legal proceedings, the eviction process is relatively fast,63 so it is critical for the tenant to act quickly and often difficult to find time to secure effective assistance.64 Moreover, because each of Georgia’s 159 counties uses a slightly different

56 Id.
57 Id.
58 Id.
59 Id. See also Housing Court Assistance Center Volunteer Training Packet, on file with author.
60 See O.C.G.A § 44-7-51(b); see also Atlanta Volunteer Lawyers Foundation, supra note 54, at 9.
61 Atlanta Volunteer Lawyers Foundation, supra note 54, at 9.
63 In 2015 in Fulton County, for example, on average, eviction cases took just twenty-six days from start to finish. See Raymond et al., supra note 8, at 14.
64 See, e.g., John Adams, Understanding the Evictions Process in Georgia, ATLANTA JOURNAL-CONSTITUTION, Nov. 1, 2014, https://www.ajc.com/lifestyles/understanding-the-eviction-process-georgia/peHy77mQyEDVns0NXWPVI/ (stating that the tenant has seven days to file an answer, and a court date is typically set two weeks later). If the judge finds for the landlord, a writ of
dispossessory process (including different forms), detailed jurisdiction-specific information on the process may not be readily available, and court forms often use language and terminology confusing and unfamiliar to self-represented litigants, making it extremely difficult for tenants to navigate the process on their own.65

Conditions and Repair Issues

Under Georgia law, landlords have non-delegable duties to maintain rental properties in their bargained-for condition; specifically, a landlord can be held liable “for damages arising from the failure to keep the premises in repair.”66 The kinds of duties landlords are responsible for include the duty to provide locks and windows suitable for safety needs and the duty to repair furnished appliances.67 Landlords are also beholden to tort law and must ensure the use of ordinary care to keep the premises safe, which includes maintaining any common spaces in a reasonably safe condition.68

Though landlords also have contractual obligations to the tenant, these are typically incorporated into the lease agreement.69 A landlord’s duty to repair and maintain the premises cannot be waived and is unavoidable, meaning any conflicting provisions in a contract are likely unenforceable.70 Importantly—and contrary to what many tenants think—in Georgia, the failure to repair a portion of the property does not entitle the tenant to stop making rental payments; rather, if the landlord is notified of a defect with the property and fails to make repairs within a reasonable time, the tenant may

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65 See Kathryn A. Sabbeth, Housing Defense as the New Gideon, 41 HARVARD J. L. & GENDER 56, 77–78 (2018) (discussing the difficulty self-represented litigants face in housing court, where they are often outmatched by landlords’ counsel, have “little understanding of the process,” and “in relatively quick fashion, lose any right to their homes”).

66 See O.C.G.A § 44-7-13 and 14; see also Atlanta Volunteer Lawyers Foundation, supra note 54, at 10.


69 Atlanta Volunteer Lawyers Foundation, supra note 54, at 11.

70 See O.C.G.A. § 44-7-2(b)(1)-(3).
herself hire a professional to perform repairs and deduct the reasonable cost from her rent.\textsuperscript{71}

**Illegal Evictions**

A landlord cannot remove a tenant from a property without proceeding through the required dispossessory process as prescribed by O.C.G.A Title 44; otherwise, the eviction will be deemed illegal and impermissible.\textsuperscript{72} Illegal evictions include impermissibly cutting utilities to the contested property, changing the locks while the tenant is away, and removing the tenant’s belongings from the property.\textsuperscript{73} When an illegal eviction occurs, tenants may be able to avail themselves of a civil remedy for theft or willful damage of property, through which the tenant can recover liquidated damages, when actual damages are under $5,000, and attorney fees.\textsuperscript{74} The tenant may also have a cause of action for trespass and interference with the tenant’s right of quiet enjoyment—two intentional tort claims—for which the tenant may request relief.\textsuperscript{75}

**Value Added by a Lawyer in Dispossessory Disputes**

Landlord-tenant disputes can be complex, particularly where a tenant asserts multiple defenses and counterclaims. Even once a judgment has been issued and matters are seemingly decided, motions are available to tenants that may further delay a potential eviction. The issue so often, however, is that tenants rarely have substantive knowledge about basic landlord-tenant law and the procedures involved. Without the advice of counsel, there is little chance a tenant will be able to raise defenses and counterclaims rooted in law or equity. Tenants without full knowledge of the law may also be vulnerable to missteps—like withholding rent, as described above—that may result in eviction, even though a different outcome may have been available with the guiding hand of counsel. The complexity of the dispossessory process is compounded by the

\textsuperscript{71} See O.C.G.A. § 44-7-13; see also, e.g., Magistrate Court of DeKalb County, *Dispossessory Warrant*, http://www.dekalbcountymagistratecourt.com/civil/dispossessory-warrant/Can-I-withhold-rent-if-my-apartment-needs-repairs-and-the-landlord-has-failed-to-make-them.asp.


\textsuperscript{73} See Atlanta Volunteer Lawyers Foundation, *supra* note 54, at 10.

\textsuperscript{74} See O.C.G.A § 51-10-6.

relatively short period of time during which tenants must act (e.g., tenants must file an answer within seven days of service). For these reasons and others, the value of access to counsel in landlord-tenant disputes cannot be overstated. Even simple advice from an attorney, without full representation, may still contribute to better, more equitable outcomes for tenants. As Parts III and IV explain, the Fulton County HCAC provides one example of an alternative to full-scope representation that can help tenants proceed through the dispossessory process in Georgia with more complete information and, often, better outcomes.

III. THE FULTON COUNTY HOUSING COURT ASSISTANCE CENTER

For individuals facing eviction in Atlanta, there are limited options for securing legal representation. Although organizations like the Atlanta Legal Aid Society and the Atlanta Volunteer Lawyers Foundation provide invaluable pro bono legal assistance for those who qualify based on income, the sheer volume of evictions filed in metropolitan Atlanta—where, for instance, in Fulton County alone, 40,000 evictions are filed annually—is too overwhelming for legal services programs to adequately address. Accordingly, the Fulton County Housing Court Assistance Center, or HCAC, fills a crucial gap for Fulton County residents facing eviction.

The HCAC opened in October 2017, but it is not Fulton County’s first iteration of a pro bono assistance center designed to help tenants afflicted by housing disputes. The earlier “Answer Clinic” operated from 2014 until the spring of 2017 in the Fulton County Magistrate Court Clerk’s office, and is the foundation for the HCAC. The Answer Clinic was inaugurated thanks to a two-year Equal Justice Works fellowship

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77 Cole Thaler & Andrew Thompson, Helping Tenants in Need: Fulton County’s Housing Court Assistance Center, The Atlanta Lawyer, Feb. 2018.
78 Id.
awarded to lawyer Amy Mei Willis, who served as its founding director. With help from volunteer attorneys and law students, Willis assisted tenants with filing answers to dispossessory summonses and raising defenses and counterclaims against landlords seeking to evict. The Answer Clinic closed when Willis’s two-year fellowship ended, but after a temporary hiatus, the clinic reopened in October 2017 under a new name and model: the Fulton County Housing Court Assistance Center.

The HCAC is now managed by a consortium of organizations, including Lawyers for Equal Justice, the Atlanta Volunteer Lawyers Foundation, and Georgia State University College of Law’s Center for Access to Justice. With funding from the law firm Eversheds Sutherland and the charitable foundation RentPath Gives Back, whose mission is to end homelessness, an attorney was hired to staff the HCAC on a part-time basis and oversee volunteer attorneys and law students. The HCAC currently operates six hours a week, on Tuesdays and Wednesdays from 9:00 am to noon.

HCAC volunteers do not provide full legal representation and never appear before a judge on behalf of the client; rather, they provide detailed advice and information to tenants who have received a dispossessory summons. The advice is free, and includes help with filing an answer, asserting defenses and counterclaims, and appellate procedure and post-judgment motions. Tenants are frequently overwhelmed by the prospect of losing their home and by appearing in court before a judge, so the HCAC attempts to level the playing field by empowering tenants to raise available legal and equitable defenses in an attempt to avoid eviction.

79 Id.
80 Id.
81 Id.
82 The Georgia Law Center for the Homeless was also a consortium member until it dissolved in spring 2018. See id.
83 Id. Attorney Andrew Thompson served as the supervising attorney for the HCAC from its reopening until August 2019. Since August 2018, Sarah Malkin, a graduate research assistant from Georgia State University College of Law’s Center for Access to Justice, has been assisting Thompson in staffing the HCAC.
IV. THE HCAC’S IMPACT

Each time HCAC volunteers provide legal advice to a tenant, they carefully record various data, including the tenant’s gender, race, household size, zip code, and the nature of the tenant’s visit. HCAC volunteers also record the amount in fees and rent claimed by the landlord in the dispossessory summons, the landlord’s name, whether the landlord was represented by counsel when the dispossessory summons was filed, and, eventually, the final outcome of the case.

From October 2017 through June 2019, the HCAC has provided legal advice to 1,315 tenants. Tenant demographics are relatively homogenous. To date, approximately 89 percent of tenants receiving legal advice have been African American, and roughly 62 percent have been women. Tenants primarily live in southwest Atlanta and on the west side—specifically in zip codes 30349, 30311, and 30331—neighborhoods that have high rates of poverty and homelessness.

Available data indicate the number of monthly tenant visits to the HCAC is rising. In its first six months of operation, center staff advised approximately 44 tenants each month. In its second six months of operation, from April 2018 through September 2018, that number increased substantially, to 72 tenants per month. From October 2018 through March 2019, center staff advised at least 66 tenants per month, and from April 2019 through June 2019, that figure rose to an average of 77 tenants per month, with a peak of 93 tenants in May 2019.

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84 Information provided by HCAC master data set, on file with author.
85 Id.
86 Housing Court Assistance Center, Yearly Report October 2017 – October 2018 and subsequent monthly reports through June 2019, on file with author.
87 Information provided by HCAC master data set, on file with author.
88 HCAC monthly report for August 2018, on file with author.
89 Housing Court Assistance Center, Yearly Report October 2017 – October 2018, on file with author.
90 Id.
91 Housing Court Assistance Center monthly reports from November 2018 through June 2019, on file with author.
During the eighteen-month period from January 31, 2018 through June 2019, visits to the HCAC can be classified in one of two categories: (1) tenant seeks legal advice on completing an answer to a dispossessory summons or (2) tenant seeks legal advice on one or more issues unrelated to completing an answer. The first category accounts for about 61 percent of HCAC visits, while the second category accounts for about 39 percent of HCAC visits. Under category (2), the reasons for which a tenant seeks help from the HCAC are diverse. Most often, the tenant has questions about the dispossessory process, pre-hearing and post-judgment matters, general litigation inquiries, and injunctions. Other times, tenants may just seek clarity on other issues, like how to vacate or appeal a final judgment, or stay a writ of possession.

One tenant, a 66 year-old African-American woman who lives alone in the 30344 zip code, visited the HCAC when, after 22 years in the home, her landlord sold the property. The new owner failed to communicate how and where to pay rent, and the miscommunication resulted in missed payments. The landlord filed for eviction. Though the tenant was able to reach a consent agreement upon payment of rent, the eviction filing remains on her civil case history and has hampered her ability to find subsequent housing. “I was told you pay for your roof first,” she said. “I’ve gone without and not paid other things, but I’ve paid my rent on time every month my whole life. My rental history should be perfect! But, now I can’t find a place because these people [landlords] wouldn’t tell me where to pay.”

The imbalance of power tenants face with their landlords continues into the courtroom in many instances. From April 2018 through June 2019, roughly 32 percent of landlords were represented by counsel at the outset of the case. For cases that went to litigation, 52 percent of landlords were represented by counsel upon
conclusion of the case, an increase in representation of 20 percent.\textsuperscript{99} Tenants, on the other hand, are rarely represented by counsel.\textsuperscript{100}

Available data support the idea that the HCAC’s assistance has helped ease the burden caused by imbalance in representation between the parties. Out of 757 cases where the HCAC assisted with answer and counterclaim advice, only 66 (just over 8 percent) resulted in an outright judgment for the landlord.\textsuperscript{101} While even fewer cases ended with an outright judgment in the tenant’s favor—50 cases (about 6 percent)—the outcome in 372 cases (about 49 percent) was a consent agreement between the landlord and tenant.\textsuperscript{102} Perhaps most important, about 80 percent of closed cases never resulted in a writ of possession for the landlord, which would otherwise force the tenant out of the property by court order.\textsuperscript{103}

To put those numbers in context, 22 percent of all renting households in Fulton County faced eviction proceedings in 2015.\textsuperscript{104} Of all completed dispossessory cases in Fulton County in 2015, 54 percent of tenants failed to respond to the dispossessory notice at all, resulting in a default judgment in the landlord’s favor.\textsuperscript{105} The remaining 46 percent answered, but 50 percent of those were deemed not to have raised a sufficient legal defense, resulting in a judgment on the pleadings in favor of the landlord.\textsuperscript{106}

\textsuperscript{99} Id. For all cases, including those that did not go to litigation, thirty-eight percent of landlords had retained counsel upon conclusion of the case. \textit{Id.}


\textsuperscript{101} Information provided by HCAC master data set, on file with author.

\textsuperscript{102} Id.

\textsuperscript{103} Id.

\textsuperscript{104} Raymond et al., \textit{supra} note 8, at 14.

\textsuperscript{105} Id. at 16.

\textsuperscript{106} Id.
Tenants who consulted the HCAC for legal advice paid less in rent and fees than the amount originally claimed by their landlords: from October 2017 through June 2019, landlords claimed about $1,655,742 in combined rent and fees from HCAC tenants but received substantially less in judgments, about $642,311 less than claimed.\textsuperscript{107} In its first eighteen months of operation, the average amount saved for each tenant who visited the HCAC was about $488.\textsuperscript{108}

In short, tenants who received advice from the HCAC paid less to landlords in rent and fees than was claimed, and were more likely to avoid a writ of possession that would force them out of their homes. One such tenant, an African-American mother of three living in the 30331 zip code, said, “I came in [to the HCAC] today and didn’t know if I had to see a judge and state my case in person or not. The form they put on my door is really confusing.”\textsuperscript{109} After having discussed her case with HCAC volunteers, she said, “Thank you so much. I didn’t realize that I checked the wrong box at first. Now I get it, and I will be ready for my case.”\textsuperscript{110} Tenants who benefit from the HCAC’s advice proceed in their housing disputes with more complete information that narrows the significant imbalances in housing court.

V. CONCLUSION

The Housing Court Assistance Center is an effective resource for tenants embroiled in housing disputes that carry the potential consequence of eviction. Despite the limited scope of the assistance provided, the legal advice furnished by the HCAC covers a variety of common issues that frequently affect tenants, like how to complete an answer, procedural and substantive litigation advice, and appellate procedure. Even

\textsuperscript{107} Housing Court Assistance Center, Yearly Report October 2017 – October 2018 and subsequent monthly reports through June 2019, on file with author.
\textsuperscript{108} Id.
\textsuperscript{109} Email from Andrew Thompson, Aug. 14, 2019, on file with author.
\textsuperscript{110} Id.
though the HCAC is only open for six hours each week, and even though the HCAC can only provide tenants with legal advice, as opposed to more extensive representation, the HCAC provides tenants with an opportunity to go to court with more complete information and an opportunity to better protect their rights.

Andrew Thompson, supervising attorney for the HCAC, says this of his experience. “There are many interactions that I will never forget, but one instance stands out that perfectly illustrates what we do at the Housing Court Assistance Center. An older man came in and told me that he flat-out couldn’t make the rent last month. He was embarrassed, hunched over, and seemed to hide underneath his paint-splattered ball cap. He was a painter, and his employer had refused to pay him for a month of work. When we spoke, I let him know that, even if he filed a blank answer, he could stay on the property for another two weeks. His demeanor immediately changed to relief. I could just see him re-inflate. I knew the work was important based on hundreds of interactions like these, but I had no idea what kind of impact helping tenants could make until I saw the data.”

111 Id.