

Two Years After Eviction Report, Richmond Lawyers Make Headway on the Numbers

by Jackie Kruszewski



Janae Craddock

From a small, former storage room on the second floor of the John Marshall Courthouse in Richmond, Janae Craddock talks people through one of the worst moments in their lives.

Craddock, like all lawyers, is familiar with carrying the legal burden of a client. But now, steps away from the courtroom where people might lose the roof over their families' heads, the problems are fresh and present.

"I never truly understood or knew how much people were impacted by the evictions," Craddock says. "People have the same reactions as they do in criminal court. They're just as lost as someone whose family member has been sentenced to jail time or refuses a bond. It's traumatic when you're being told to get out of your house."

Craddock is part of a bevy of lawyers turning their expertise to the eviction crisis in Virginia, brought into focus by a 2018 report from Princeton University's Eviction Lab. Two years in, the programs have reached hundreds of tenants and kept many from losing their homes. A team of lawyer conciliators liaises between landlords and tenants. Attorneys working pro bono connect some tenants with rental assistance and take on their cases. And some, like Craddock, with the support of the Central Virginia Legal Aid Society, are now full-time advocates for tenants at the courthouse.

But funding is temporary, and conciliators are in short supply. The recent relief and mitigation of evictions have also served to bring the problem into clearer focus for those who work in it every day.

"I hadn't really seen the problem in action," says Ali Fannon of the Greater Richmond Bar Foundation. "And then once we got on the ground in October, my eyes were wide open. You can read about it all day long, hear that there's a problem, and until you see it in action, you don't understand quite what's happening."

Out of necessity, the court is very fast moving and efficient, Fannon says, but it

doesn't leave the tenants with a real understanding of what's happening. Fannon and the foundation train and organize a team of conciliator lawyers to staff the courthouse and act as go-betweens for landlords and tenants on the verge of eviction.

Since September, thanks to new regulations, an unlawful detainer notice arrives with a green piece of paper about Richmond's Eviction Diversion Program. Some tenants qualify for rental assistance and others are directed toward the conciliators at the courthouse wearing green buttons that read "Eviction Diversion Program Conciliator."

"We're third party neutrals, and we're trying to help the tenant and the landlord reach agreement on what is owed and structure a reasonable payment plan," Fannon says. It's a step that will become mandatory on July 1, but for now many landlords are entering voluntarily. If all goes according to plan, the landlord gets their money, and the tenant stays in their home — a win-win.

Fannon encourages lawyers to join her at the John Marshall Courthouse in Richmond to see the eviction docket and conciliators in action. "When someone is interested but is a little too nervous to put the button on and grab a clipboard, I have them come shadow us," Fannon says. "They watch the spiel and often in the same day, the same 30 minutes, they feel comfortable to go do some walkup information."

And, if the tenant needs an advocate, Craddock is there.

"People are in crisis," says Monica Jefferson of Housing Opportunities Made Equal (HOME). "Not only that, but people don't know or understand the law. So, it's instrumental and critical that we have legal experts there to guide and drive them through this process."

HOME serves as a locus for housing counseling in Richmond. They received a grant from the city last year, \$300,000 of which is set aside for the rental assistance. They serve as the first point of access for the eviction diversion program, staffing the



Monica Jefferson (left) of Housing Opportunities Made Equal and Ali Fannon of Greater Richmond Bar Foundation

eviction hotline and doing intake to determine eligibility for assistance. Housing stability workshops and payment plans are required as part of the process, and HOME has resources for pointing people toward other types of social services.

“When you hear the phone calls, the scenarios, and you know some of those situations that people are going through, it’s very disheartening,” says Jefferson. “Over 80 percent of the people are working; they’ve just had some type of life catastrophic disaster or issue that have just caused them to get behind. We hear a lot about illnesses and hospitalizations and family crises and things like that.”

The eviction diversion program got up and running in October and assisted 76 families in its first three months. “There are 76 families who are in their homes today who would not be there but for this program,” says Martin Wegbreit, director of litigation at Central Virginia Legal Aid Society. “Five months in, that number is at 122.”

Wegbreit calls Sunday, April 8, 2018, the day his life changed. That’s the day the New York Times published its frontpage report about Mathew Desmond’s eviction research, showing that five of the ten American cities with the highest eviction rates were in Virginia, and Richmond was number two.

Now, two years later, Wegbreit runs his own interview on the subject, asking and answering his own questions about the crisis, rattling off numbers and the names of organizations collaborating on eviction diversion work.

“A year ago, we had zero full time housing lawyers in Richmond,” he says. “Today we’ve got six in Richmond and a seventh in Petersburg. That’s an enormous influx of resourc-



Marty Wegbreit, director of litigation at Central Virginia Legal Aid Society

es, but still, you’ve got 18,000 eviction lawsuits a year, right? Eleven thousand turn into judgments of possession.

“Six [lawyers] is an infinity more than zero, but it’s still not nearly the number you would need to provide a lawyer to every tenant facing eviction.” Other cities, Wegbreit adds, have started providing that.

If you’re wondering how much such a program would cost in Richmond, Wegbreit has done the math. He estimates \$7.5 million for 75 lawyers that it would take to give everyone facing eviction a lawyer.

Sustaining what exists now is an even more manageable number: under a million dollars would keep those seven lawyers in business. The grant that pays for them now is starting its second of two years.

It’s the immediacy of the assistance that Craddock provides that makes the difference, Wegbreit says. “There’s no replacing that. People can literally walk down the hall.”

“I must admit, when I applied, I didn’t know everything that it would entail,” says Craddock, who grew up in Richmond and went to Community High School.

Craddock’s first day was Monday, May 13, and things started off slow. But a flurry of media attention quickly brought people to her door. Now, there’s no typical day.

“There can be days where there’s no foot traffic in here at all, and I have to figure out how to best make our presence known,” Craddock says. “Then there are some days where I literally have a line outside the door and it’s tough to keep up.”

Eviction court dates have a cyclical pattern. Rent is late on the fifth of the month, and landlords give notice. Paperwork is filed mid-month, so the court date is set up about 21 days later. “So, by like a second or third week of the next month, you see larger dockets.”

The lawyer conciliators organized by Fannon and the Greater Richmond Bar Foundation help a lot on those day, too.

“We need at least two conciliators every day so that means we need 10 a week, which means we need about 500 slots a year,” says Wegbreit. If every conciliator volunteered six times a year, they’d need about 83 conciliators. Wegbreit says they have about 30 now.

Fannon hopes upcoming trainings will yield more lawyers ready and willing to serve a few hours a month at the courthouse, where lawyers’ basic knowledge of the legal system is a tremendous addition to the process.

Craddock says that the work – both her advocacy and the conciliators’ neutral coordinating – is simply about being an advocate for justice. And the sense of achievement is palpable.

“It’s that moment where you’re able to stop an eviction that’s imminent, that’s set to happen like the next day and that person is so grateful for what you’ve done,” says Craddock. “Sometimes being in the legal profession, a ‘thank you’ can be so far and few between.”

You can sign up for shifts as a conciliator with the Greater Richmond Bar Foundation at www.justiceserver.org.