

August 31, 2014

Dan Ruben
Executive Director
Equal Justice America
13540 East Boundary Road
Building II, Suite 204
Midlothian, VA 23112

Dear Mr. Ruben:

This summer I had the opportunity to serve as an Equal Justice America Fellow at LAF (formerly Legal Assistance Foundation) in Chicago, Illinois. LAF is a non-profit civil legal services provider for people living in poverty in metropolitan Chicago. I had the pleasure of serving and learning as an intern in the Housing Practice Group, which primarily defends tenants in federally subsidized housing from eviction and from housing subsidy termination.

Federally subsidized housing is hard to get but easy to lose. I see this every day at LAF where we advocate and litigate to keep people in public housing, section 8 housing, or housed with a Housing Choice Voucher. LAF had a case where a federally subsidized private property manager brought an action to evict a tenant with an intellectual disability because he could not understand how to follow a complicated procedure required to prepare his unit for an unnecessary bed bug treatment. LAF informed the property manager of the tenant's disability and requested more time for the tenant to work with a social service agency to prepare his unit. However, the property manager was unconvinced by our appeal to applicable federal fair housing law and our client's right to a reasonable accommodation; the property manager denied the request.

The day of the final status hearing before trial an LAF attorney, my supervisor, reiterated to opposing counsel how failure to accommodate would make his client liable in damages under the Fair Housing Act. As a result, the property manager acquiesced and agreed to allow one more attempt to treat the apartment. LAF scrambled to coordinate the treatment preparation process, which was considerable. My supervising attorney and I even went to the client's unit that day to help with the final preparation steps, pulling furniture away from walls, putting personal items into plastic garbage bags. When the exterminators came to treat the unit they said it looked "Perfect."

But for LAF's client, this was one hurdle overcome with an unknown number of future hurdles that could lead to the loss of his housing. Going forward, if he fails to adequately prepare his unit to the exterminator's meticulous standards, the property manager assured us that it would file a new eviction action.

So, why are subsidized housing providers, public housing authorities and subsidized private property managers, so willing, and in some cases arguably eager, to remove vulnerable tenants from their homes? Perhaps subsidized housing providers are responding to the crisis-level shortage of affordable housing that we are experiencing, and trying to find the most "worthy" tenants.¹

However, if subsidized housing providers are trying to remove only "unworthy" tenants, they are failing. See above for a case directly on-point, where the housing provider attempted to evict a tenant with a disability in violation of federal civil rights laws. There can be no doubt that particular tenant needs subsidized housing as much as anyone else. His story is not an isolated occurrence; LAF has seen many others as egregious or worse.

¹ As Erika Poethig of the Urban Institute explains, "America's housing policy has never fully met the demand for affordable rental housing, and the number of households served by federal rental assistance has essentially plateaued. Today, only 24 percent of the 19 million eligible households receive assistance—basically, only one in four households wins the housing assistance lottery." http://blog.metrotrends.org/2014/05/four-americas-housing-assistance-lottery/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+MetrotrendsBlog+%28MetroTrends+Blog%29.

Moreover, it is hard to imagine a person who could be unworthy of federally subsidized housing, given that the purpose of federally subsidized housing, which is to provide housing to people with low-income who need decent, safe and sanitary housing. Traditionally these people are the hardest to house because of a variety of factors, including limited job opportunities, low wages at available jobs, disability, education, criminal background, among other circumstances. Therefore, the purpose of federal housing programs is based on a need for housing, not any arbitrary standards for eligibility. Eligibility comes into play due to the shortage of available federally subsidized housing.

To make matters worse, once a person is evicted from federally subsidized housing or terminated from the Housing Choice Voucher Program, that person is ineligible to live in subsidized housing or receive voucher assistance for the rest of that person's life. Often this relegates people to homelessness because federally subsidized housing is usually the second-to-last resort, the last resort being the street.

Plethora and varied are the stories of tenants of subsidized housing who have to defend against eviction actions based on immaterial and even unlawful grounds. Because of this there is overwhelming demand for legal services, and LAF almost exclusively serves those people who are undeniably "worthy" of subsidized housing.

On behalf of myself, LAF, and those with whom I worked this summer, thank you for this opportunity. Please feel free to contact me for any further information about my summer as an EJA fellow at LAF.

Respectfully yours,

Jonathan J. Sheffield, Jr.
Loyola University of Chicago School of Law