



EQUAL JUSTICE AMERICA

Summer 2023 EJA Fellow:



Name: Charles Kip

Law School: Georgetown University Law Center

Organization: Greater Boston Legal Services

Update 1: A few weeks ago I started my summer internship at Greater Boston Legal Services working to represent public housing tenants as the city of Boston converts its public housing stock into models with more political support (and by extension longterm financial viability). So far, its mostly been slogging through old cases and getting caught up on the general state of affairs surrounding similar issues throughout the country. Today, the major Charlestown site had its groundbreaking. This project has been about 8 years in the making and as some of you know I spent my summer two years ago (also at GBLS) helping to work on this project. The groundbreaking was a really cool event featuring Mayor Wu and recent Principal Deputy Secretary of HUD, Richard Monocchio as well as all the major players in the redevelopment to date. It was really great to catch up with a lot of people I had met in previous years and see all of the progress that had been made. Its really easy in the day to day of work like this to get caught up in all the meetings and minor details that you can almost lose sight of the progress being made and the broader plan. Huge shout outs to our client, the Charlestown Resident's Alliance, the local tenants organization on site who has been working tirelessly to make sure the needs of the residents are heard by the Boston Housing Authority and the private developers. Looking forward to continuing to do this work and hopefully provide a model that can be implemented in other cities facing crises with upkeep on their public housing. Happy to talk more about this if anyone is interested!

Update 2: Hello friends, I am once again posting an update for my summer fellowship with Equal Justice America working with Greater Boston Legal Services. Things have been a little slow regarding the main work my team is doing since my last update and I've mostly been working on a cool side project, but I want to leave that for a later update when it comes together more. Instead, I'll take this opportunity to talk more broadly about what we've been doing. Currently, the United States has a major housing crisis. I'm not talking about limited supply (we have plenty!), I'm talking about the fact that we treat housing as a commodity or worse, a speculative asset. As a result, costs spike. The fact that "affordable housing" is a term that is not just synonymous with "housing" reflects a really deep sickness. One of the main symptoms of this sickness is that there is very limited public money being invested in housing people. In fact, there are laws in place preventing the state from



EQUAL JUSTICE AMERICA

increasing its housing portfolio, forcing us to rely on giving subsidies to private owners in exchange for allowing low-income individuals to live in their buildings. The public housing we do have is largely in disrepair due to lack of funding. This is largely an intentional project to force states to privatize said housing and its working. Housing authorities across the country are being forced to sell their portfolios to private developers. While this is deeply upsetting to a lot of us who believe in the commons, the alternative is to allow the "affordable housing" to grow mold and miss out on much-needed repairs. While there may be solutions at the federal level (give more money to housing, repeal restrictive laws on public housing), the local level is mostly left with trying to do harm mitigation through the privatization process. Largely, we see that these projects are far more successful and far better for the residents when two things happen 1. The tenants are organized and 2. They are represented. My team represents tenant organizations undergoing redevelopment. We tend to have two main goals, negotiate with the government and private developers to patch lost rights with agreements as well as help resident organizations build capacity so that they can continue advocating for themselves and supporting each other beyond our involvement. This work has generally been incredibly rewarding but also incredibly eye-opening to some of the deeper rot in the approach we as a society take to housing.

Update 3: I want to talk about assumptions today. There's an old allegory where an old fish asks some young fish "how's the water today?" and the young fish respond "what is water?" We see this play out heavily in how people talk about issues and who they seem to empathize with in a given situation. For almost all of us, we grew up in a capitalist system and most education we received was geared towards that. When grown, people regurgitate the logic of capital and property rights as if they are divine wisdom rather than historically contingent ideology. In my work with Greater Boston Legal Services this summer, I'm seeing this a lot on two particular projects I've been working on: the struggles justice involved people face when trying to find housing and when it is legal for landlord to recover attorney's fees from a tenant. I read a lot of sources and hear from people thoughts in some variation of "don't property owners have a duty to their other tenants to keep the property safe?" and "why should the landlord have to pay for an attorney because the tenant violated the lease?" Notice who these ideas center on and what they privilege. In both, the landlord is given empathy, they are made the protagonist of the situation as they deal with problems inflicted by other actors. Neither considers the plight of a person recently released from prison who will become homeless without being provided housing or the tenant who believes they have a reasonable case but instead chooses to leave their housing and desperately try to find a new place out of fear of paying the landlord thousands of extra dollars in attorney's fees if they lose. This framing is so common people do it without thinking. It has been hardwired into our brains through our environment basically from birth. My challenge to everyone today is next time you have an instinct of "why should X person behave in Y way" ask yourself who is X and what is Y and try to decondition the framing we tend to work in that centers property interests and the right of those with power to wield it for their own benefit.

Update 4: Early on in my Equal Justice America fellowship at Greater Boston Legal Services, I was told my team would be authoring an article for the Boston Bar Journal about the barriers to finding housing formerly



EQUAL JUSTICE AMERICA

incarcerated people face in Mixed-Income Developments. About 5 weeks ago, I was made aware that I would be the primary author with the rough draft deadline two weeks away. While this might sound really exciting, it was really incredibly stressful given how much I already felt like I was trying to drink from a firehose. So, I started scrambling trying to learn everything I could about tenant screening requirements and get a much firmer grasp on the exact mechanisms behind these redevelopment projects. Yesterday, we submitted our second draft for review by the journal and I think it's in a really good place! I'm extremely thankful to have been given the opportunity to work on this and think its done a lot to help me learn about the issue and improve my writing skills.

Now if you'll indulge me, I also want to talk about why I think this issue was so important. One of the major flaws in our prison system is re-entry. After a person has spent time incarcerated for a criminalized behavior, they are given a chance to re-enter society. However, people in this position often have a large amount of trouble re-integrating. One major barrier is finding housing. Few people would say any crime committed should bear the consequence of permanent homelessness, but many people support policies making it harder for people with criminal records to obtain housing in their towns or cities. The net effect of this is often that people with criminal histories often cannot find housing anywhere and become homeless, often leading to re-imprisonment or worse. Part of building an effective society means we cannot have segments of the population who are simply cast aside and left to die, we must provide opportunities and access to all people who are part of said society. The article I've been writing discusses this concept and some of the policies in place that either help or hurt. It'll be published later this fall and I'll post it then, in the meantime happy to discuss further with anyone who is interested!

Update 5: Going into this summer, I was choosing between two offers, one for a public defender position and one for the internship I ended up taking at Greater Boston Legal Services. I was weighing a lot of factors at the time, but the decision ended up coming down to two major pieces: 1. I have generally enjoyed my classes on civil law more than my classes on criminal law and 2. Equal Justice America was willing to fund my work there. In the end, I think I've gained a much greater appreciation of why they do.

Representation in criminal cases is guaranteed by the constitution and as such the State is required to fund lawyers providing indigent criminal representation - this is our public defender system. In civil cases there is no such right and our system relies upon people making the choice to fund lawyers willing to provide pro bono services to those who cannot afford it.

Any story you've seen of someone losing their house, children, or being deported in the news falls into this category. The people involved might have had no ability to access representation and often times faced off against the best lawyers and resources money could be. It is a heartbreaking system.

My work with GBLS was in trying to keep housing affordable. We had a number of different funding streams



EQUAL JUSTICE AMERICA

that allows the firm to hire lawyers to fight these cases. My team was specifically representing public housing tenants as their homes were privatized in an effort to maintain their rights and keep the homes affordable during the process. We obviously need lawyers willing to do this work, but it is hard to bring them into it. When I was applying for jobs, I chose not to pursue any of the big corporate positions that pay well. The funding from EJA was a godsend. I truly believe many people want to do this work. The issue is that the money is so overwhelming on the other side that many people choose not to. Organizations like EJA make just a small enough dent in the gap that people can choose to pursue work for the common good. I'm going to be thankful for what they provided for the rest of my life. I'd ask that anyone who can contribute a little to their fund. This will go a long way towards helping people like me follow this path in the future and insure that we have legal aid lawyers able to take these cases in later years.