Finding Sustainable Data Sources to Track Evictions to Monitor Progress for Achieving SDG #16

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INTRODUCTION

Under the USA Sustainable Cities Initiative (USA-SCI), Baltimore completed a report entitled "Baltimore's Sustainable Future: Localizing the UN Sustainable Development Goals, Strategies and Indicators", which recommends local indicators in the city for achieving the Global Sustainable Development Goals (SDGs) in Baltimore. The report includes baseline data for each of the indicators and is available in static graphics online at www.ubalt.edu/about-ub/sustainable-cities.

The proposed indicators were chosen through a consultative process with local representatives and experts in order to track actionable strategies for decision-makers and stakeholders in Baltimore to and to help set quantitative values for local targets that align with global SDG targets. The data used to measure the indicators can track progress over time toward achieving those targets leading up to 2030. Indicators were evaluated according to these guiding principles:

- The data aligns with SDG targets and represents local priorities;

- Indicators reflect existing/parallel processes envisioning Baltimore's future;

- Data is accessible and actionable and from a valid, reliable source;

- Baseline measures are recurring in order to be tracked over time;

- Measures can help address disparities through disaggregation by race and by gender.

Where available, the baseline measures for these indicators draw from open data sources including the aggregation of community-based indicators in Baltimore's Vital Signs report produced annually by the Baltimore Neighborhood Indicators Alliance — Jacob France Institute[1] (BNIA-JFI).

THE ISSUE

During the consultative process to identify locally-relevant SDG indicators for Baltimore, it became clear that not only was there no consensus of which justice-related indicators were most relevant in Baltimore, but also few (if any) datasets existed to track potentially chosen indicators over time. In fact, the Vital Signs report itself was deficient in the presence of any justice related indicators for neighborhoods. To focus attention on this issue, BNIA-JFI convened Baltimore's Justice Indicators Roundtable made up of members of the newly-reconstituted Maryland Access to Justice Commission, Public Justice Center, Baltimore Housing Roundtable, Community Law Center, and Associated Black Charities. The group brainstormed a list of more than 40 potential indicators (See Appendix A); a set of five were chosen that address the overarching theme of the "criminalization of poverty" as part of the Baltimore SDG localization report. Members of the Justice Indicators Roundtable have begun to work on obtaining the data to calculate the indicators, but the process for obtaining (and in some cases even creating) data will require long-term implementation and focus.

In the shorter term, BNIA-JFI focused on another important issue arising in Baltimore that impacts low-income households and the legal justice system, namely tracking Baltimore's "rent court" statistics. Landlord-tenant disputes regarding failure-to-pay-rent cases (i.e. Rent Court) contribute to severe housing instability for an estimated 7,000 Baltimore households per year. Although shelter is a universal human right, for Baltimore's approximately 50% of renter households evictions, unaffordability, substandard housing conditions and other symptoms of housing insecurity contribute to poor outcomes in many other spheres of life such as health, employment and education.

In 2012, the Maryland Legal Aid Human Rights Project conducted a statistical study[2] to test whether the state ensured due process and the right to a fair trial for failure-to-pay-rent cases. The study found, that in Maryland in 2012, an estimated 28% (with 95% confidence interval — or 172,635 out of 614,735) of Failure to Pay Rent cases had at least one type of error which violated the defendant's right to a fair trial. The report provided several recommendations to design and administer court processes and procedures that ensure just and fair outcomes in rent court.

The problem in Baltimore City specifically was brought to light in 2015 when the Public Justice Center (PJC) issued a report[3] on the rent court process for city residents. In Baltimore, nearly 150,000 rent court cases occur every year. The study found that the majority of households facing rent court

are female-headed, persons of color and/or low-in-comed, and during the court process an estimated 6,000 to 7,000 eventually result in evictions of the tenant. The release of the report kicked off the 7,000 Families campaign (www.7000families.org) by the PJC and the Baltimore Housing Roundatble to help prevent future evicitons in Baltimore. How-ever, without routine and continuous tracking, the data to hold leaders accountable to address the issue just does not exist.

THE SOLUTION: CALCULATING EVICTION RATES

Working with members of the Maryland Volunteer Lawyers Service (MVLS) and the Baltimore Legal Hackers Group, BNIA-JFI staff were trained on how to access data from an automated webscrap-ing program called the Client Legal Utility Engine (CLUE). The engine pulls of data from the Maryland Judiciary Case Search website, which contains information from the court dockets on both civil and criminal cases in Maryland. The program collects data from the Case Search website and then stores the information in a database which can be accessed remotely with proper credentials. CLUE has been run on case search system nightly for both district and circuit civil cases since 2012. Old cases are updated nightly as well. To date, the volume of civil cases in the CLUE database are:

- District Court:

  - 1.2 million cases

  - 198,000 cases are from Baltimore City

- Circuit Court:

  - 462,000 cases

  - 113,000 cases are from Baltimore City

Not all of the 150,000 "rent court" cases in Balti-more are available in the Maryland Judiciary Case Search system, as part of the problem identified by the PJC report is the lack of electronic records for failure-to-pay-rent cases. Therefore, only four types of cases pertaining to landlord-tenant rela-tions were identified in CLUE.

1. Breach of Lease — when the tenant breaches a provision of the lease which is an official a contract

2. Forcible Entry and Detainer — when the land-lord determines that the occupier is a 'squat-ter' without lease and needs to removed

3. Tenant Holding Over — when a tenant over-stays their lease and the landlord does not offer to renew; tenants in public housing or other kinds of subsidized properties could argue that federal legal protections apply and the tenant has a life-time tenancy and there-fore, cannot have such a case filed against them in the first place.

4. Rent Escrow — when the tenant has condi-tions in the property that the landlord should address such as exterior leaks or issues in the common areas. If the tenant is successful in these kinds of cases, rent is paid into the escrow account instead of to the landlord until repairs are made. The judge also has discretion to lower or get rid of rent and give portion of rent amount collected in escrow back to the tenant. The parties involved could also decide to terminate lease early as part of process.

Row Labels	Number of Baltimore City Cases in 2015 & 2016	Number of Baltimore City Cases in 2016	Plaintiff -> Defendant
Breach of Lease	974	466	Landlord -> Tenant
Forcible Entry and Detainer	1,321	648	Landlord -> Tenant
Tenant Holding Over	1,244	613	Landlord -> Tenant
Rent Escrow	1,840	773	Tenant -> Landlord
Total	5,379	2,500	

BNIA-JFI mapped the locations of the properties under dispute, which had been the first time that the working group had seen the data spatially visualized (see Figure 1). The map shows that the greatest number of cases are occurring in communities that are predominantly low-incomed and majority minority households.

STRENGTHS AND WEAKNESSES

The CLUE program developed by MVLS does provide a reliable way to obtain electronic data that could serve as the basis of an indicator tracking the rate of rent court cases in Baltimore over time. Eventually, more types of court cases will be available in the MD Judiciary Case System as paper cases are filed electronically and will feed into the CLUE database. Unfortunately, the currently identifiable rent-related cases (2,500 in 2016) is a mere fraction of the total number of rent cases estimate to occur in Baltimore every year (150,000). As an indicator, therefore, the currently volume of data (paradoxically) does not do justice to the extent of the problem.

ADDITIONAL GUIDANCE

In addition to the Baltimore and Maryland studies cited above on the severe magnitude of housing insecurity created by tenant-landlord disputes, these issues have received national attention by 2015 MacArthur Genius Fellow Matthew Desmond, author of the acclaimed book Evicted, whose research on the impact of evictions on low-income households has shown how crucial addressing this issue is for alleviating poverty in the U.S. "You can't fix poverty in America if we don't fix housing," Mr. Desmond said to a Baltimore audience in 2016. The statistics from his book are sobering. Nationwide, only 1 out of 4 households who qualifies for housing assistance actually receives it in America. The lack of resources has meant that 1 in 5 African-American women will experience an eviction in her lifetime, and low-income households with children are three times more likely to be evicted.

The Just Shelter campaign (https://justshelter.org/) provides resources for every state and ways to get involved in national level dialogues on this issue.

Type of Case

- Forceable Entry 2016 (648)
- Breach of Lease 2016 (466)
- Tenant Holding Over 2016 (613)
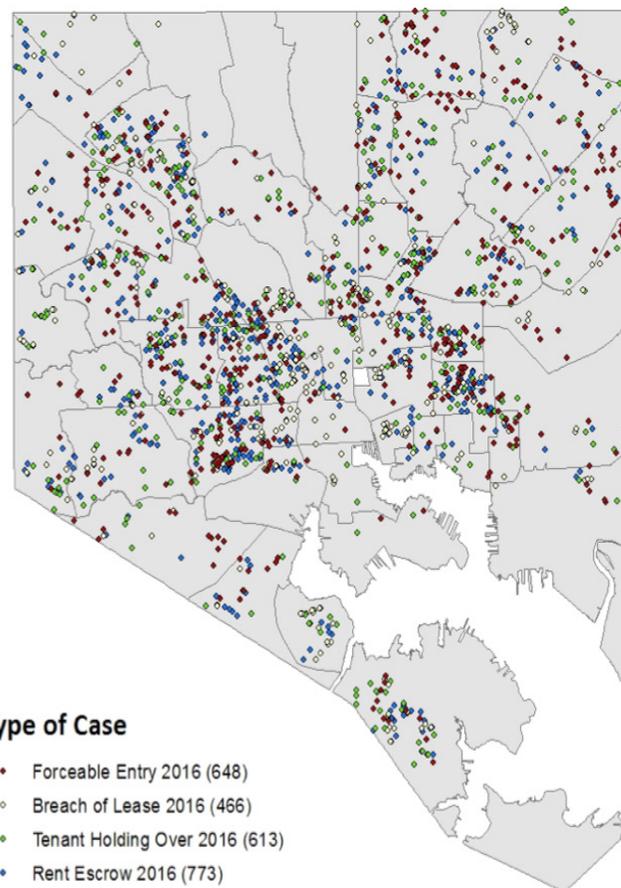- Rent Escrow 2016 (773)

Figure 1 Map of Baltimore City Rent Court Cases in CLUE by Type of Case, 2016

Appendix A: Notes from Baltimore Justice Indicators Roundtable

January 25, 2016 (Preliminary Discussion)

Participants: Seema Iyer, Reena Shah, Robin Jacobs, Adar Ayira, Zafar Shah, Rachel Wolpert

Links to resources with Indicators

- Sustainable Development Goals (#16) (http://www.un.org/sustainabledevelopment/peace-justice/)

  - Reduce violence, access to information, participatory decision-making

- UN Rule of Law Indicators (http://www.un.org/en/events/peacekeepersday/2011/publications/un_rule_of_law_indicators.pdf)

  - Police, judiciary, prisons

- National Center for Access to Justice/Justice Index

  - http://ncforaj.org/

  - http://www.justiceindex.org/

    - Access to attorneys, self-representation, language/disability access

Agencies with data (Potential)

- State's Attorneys Office

- Judiciary

- People's Law Library

- Environmental Control Board--Civil Citations

- MD Legal Services Corp

- ABA—Collateral Consequences/Racial Disparate Impact

May 4, 2016 (MD Access to Justice Commission Meeting – Brainstorming SDG #16 Indicators)

- Recidivism Rate

- Average caseload, public defenders

- Average caseload, probation officers

- Average caseload, legal aid attorneys

- Availability of medical and mental healthcare for incarcerated citizens

- Inclusiveness of judiciary (include disability)

- Voter engagement

  - Voter turnout

  - Voter registration

  - Campaign donations

- Rate of unrepresented litigants/self-representation

  - In mass process courts

  - In eviction court

  - In domestic court

- Bail reform

  - Months in jail pretrial

  - Cost of bail or bond

- # Cases resolved after hearing vs by default (person didn't show up)

- Availability of drug rehabilitation programs

- Availability of prison re-entry programs

- Rent court statistics

    - Cases of nonpayment of rent

    - # of rent lawyers

- # of evictions

- Filings of tax sales, foreclosure cases

- # of eligible expungements v # of expunge-ments filed

- # fee waivers

Final List of Proposed Indicators for SCI-USA Baltimore project

- "Civil legal aid attorney ratio"

- To calculate this ratio, we divide the number of full-time-equivalent civil legal aid attor-neys employed in the state by the number of people in the state with incomes at or below 200% of the federal poverty level.

- State/Local Public Funding for income eligible clients (proposed)

- Number of residents who enter the criminal system because of penalties accrued from civil cases (proposed)/Length of time pretrial for misdemeanor offenses (Proposed)

- Number of unrepresented litigants in mass pro-cessed courts (potential)

- Violent Crime Rate per 1,000 Residents

- Percent population over the age of 18 who voted in the general election

References

1. For more information on the BNIA-JFI project and the annual Vital Signs report, visit www.bniajfi.org. BNIA-JFI is the Baltimore partner of the National Neighborhood Indicators Part-nership (NNIP) www.neighborhoodindiators.org.

2. Shah, Reena (2012). "The Human Rights in Maryland's Rent Courts: A Statistical Study" http://www.mdlab.org/wp-content/uploads/MDLegalAid_RentCourtStudy_Release-Date-9-8-16.pdf

3. Shah, Zafar et al (2015) "Justice Diverted: How Renters are Processed in the Baltimore City Rent Court" http://www.publicjustice.org/uploads/file/pdf/JUSTICE_DIVERTED_PJC_DEC15.pdf