

Resolution No. _____

A resolution reallocating \$2,220,235 in American Rescue Plan Act funds from Fund #30216 to provide legal representation to low and moderate-income Davidson County renters to defend against landlord eviction.

WHEREAS, RS2024-274 approved a resolution appropriating \$1,648,322.00 in American Rescue Plan Act of 2021 (ARP) Funds to Legal Aid Society of Middle Tennessee and the Cumberlands ("Legal Aid") and \$747,000.00 in ARP Funds to Nashville Hispanic Bar Association ("NHBA"), to provide legal representation to low and moderate-income Davidson County renters to defend against landlord eviction; and,

WHEREAS, Legal Aid and NHBA have proposed a continuation of the program that will provide outreach and education, pre-filing legal aid, direct legal representation, and program evaluation, as further described in Exhibit A; and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that this resolution be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That \$1,373,235 from the Covid-19 American Rescue Plan Fund #30216 is hereby reallocated to Legal Aid to be used to administer the program described in Exhibit A attached.

Section 2. That \$847,000 from the Covid-19 American Rescue Plan Fund #30216 is hereby reallocated to the Nashville Hispanic Bar Association to be used to administer the program described in Exhibit A attached.

Section 3. That this Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO AVAILABILITY
OF FUNDS:

Jenneen Reed/mjr
Jenneen Reed, Director
Department of Finance

INTRODUCED BY:

APPROVED AS TO FORM AND
LEGALITY:

Niki Eke
Assistant Metropolitan Attorney

Member(s) of Council

EXHIBIT A

Nashville Eviction Right to Counsel (ERTC) Proposal

May 20, 2025

Prepared by Legal Aid Society of Middle Tennessee and the Cumberland and the Nashville Hispanic Bar Association at the Request of Mayor Freddie O'Connell and City Councilwoman Zulfat Suara

I. Summary

Building on the success of the Eviction Right to Counsel (ERTC) pilot project, the Legal Aid Society of Middle Tennessee and the Cumberland (Legal Aid) and the Nashville Hispanic Bar Association (NHBA) seek to continue the project with funding from the American Rescue Plan Act or such other additional funding as may be available and appropriate.

Going into Year 4, we seek additional funding for Legal Aid in the amount of \$1,373,235 and for NHBA in the amount of \$847,000, as contracted partners with Metro Nashville-Davidson County for one year, beginning July 1, 2025. With these funds, we hope to continue the success of the pilot project while building capacity to serve those most in need.

While the program has seen substantial success, our gains are still dwarfed by the need. More than 13,000 evictions were filed in Davidson County in 2023. ERTC is only one of many tools necessary to address the affordable housing crisis in Nashville.

II. ERTC Pilot to Date: Building a Successful Program for Nashville Tenants

In the summer of 2022, at the request of Councilwoman Zulfat Suara, Metro Nashville-Davidson County invested American Rescue Plan Act (APRA) dollars in a vision: a pilot program that would help address the city's ongoing affordable housing crisis by providing tenants with information about their rights and legal representation in eviction proceedings.

In the program's first two years, **the ERTC program provided tenants with more than \$4.5 million in direct economic benefits, representing a better than 2-to-1 return on the city's investment.** Those benefits were felt throughout the community, in the form of preserved affordable housing for whole families and rent relief dollars passed along to housing providers.

A. Laying the Groundwork in Coalition

The ERTC program was shepherded from the beginning by Metro City Councilwoman Zulfat Suara. She sought out Legal Aid as the ideal home for the ERTC program. In consultation with Legal Aid Executive Director DarKenya Waller, it was determined that a champion for the legal rights of immigrant communities should be added to the project. Suara and Waller found critical partners in Conexión Américas, a well-established nonprofit with deep ties in the city's Spanish-

speaking communities, and NHBA, a small bar association supporting LatinX attorneys throughout Metro Nashville. Conexión Américas' expertise in grant management and community outreach allowed other strategically chosen nonprofits to join the project to focus on other integral portions of the project, like mediation services and outreach to hard-to-reach communities.

In February 2022, Councilwoman Suara, Legal Aid, and Conexión Américas presented their initial ERTC proposal to Metro Council.¹ The proposal explained that other ERTC programs across the country had been proven to reduce displacement and homelessness while improving housing stability and projected that a similar program in Nashville could do the same. Some of the proposed activities were:

- A city-wide, multi-language public awareness campaign,
- Over-the-phone and in-person support to answer housing-related questions,
- Legal representation in court for low and moderate-income tenants facing eviction, and
- A presence at the Davidson County courthouse on eviction court days to provide legal information.

Programmatic partnerships were then established with the Nashville Conflict Resolution Center (NCRC) to assist with mediation services, the American Muslim Advisory Council (AMAC) to ensure trusted expertise in Nashville's multicultural communities, and the People's Alliance for Transit, Housing, and Education (PATHE) to conduct further outreach.

B. ERTC Achievements & Demographics from Fall 2022 to February 2024

Although the pilot grant began on paper on July 1, 2022, staff were not fully onboarded until November of that year. Despite operating at full capacity for only 15 months, the ERTC coalition has exceeded expectations and all grant deliverables.

For example, for grant recipients NHBA, Legal Aid, and Conexión Américas:

Metric	Two-Year Grant Goal (2022-2024)	Achievements through February 2024
Clients served	1,350	1,423
Brochures distributed	19,500	68,647
Outreach events attended	44	362

The clients served by the ERTC program represent a cross-section of our city. For example, among clients served by Legal Aid and NHBA:

- 64% identify as Black,
- 9% identify as Latino or Hispanic,
- 9% live in a household that does not primarily speak English,
- 44% identify as having a disability,
- 73% are women,

¹ The proposal is available online at <https://nashville.legistar.com/LegislationDetail.aspx?ID=5667771&GUID=FFEC0849-7B72-41C8-BDFD-822657C1F317&FullText=1>.

- 17% are over age 62, and
- Approximately half have at least one child in the household.

Our clients defy eviction stereotypes. Most work, several with more than one job. Among unemployed clients, most are seniors or have disabilities. Many of our clients are veterans. Some are students. About half are parents. They are our neighbors.

Almost all tell us they didn't ever expect to find themselves facing eviction, and without ERTC, they simply would not have known what to do.

C. ERTC Program's Proven Value to the City

An independent evaluation by consulting firm Stout concluded that the total financial impact of the ERTC program in its first year was approximately \$3.4 million.² Among cases with a recorded financial impact, the average benefit per client was \$10,900.³

Funding the pilot cost approximately \$2 million per year. **The program therefore has an almost 2-to-1 return on investment in direct economic benefit to tenants.** Direct benefits consist largely of:

- Rent relief accessed, which in turn benefits both landlords and tenants,
- Avoided costs, such as court costs or termination fees the tenant was not required to pay, and
- Preserved affordable housing.

The total value of the program, includes both indirect benefits and the noneconomic value of preserving a stable home. Stout is continuing to work on independent analysis of the indirect benefits of Nashville's ERTC program. Stout's analysis of other ERTC programs around the country⁴ has highlighted areas such as:

- Reduced medical spending. A large portion of tenants facing eviction are seniors and individuals with disabilities who face serious difficulties accessing medical care even when stably housed. For them, an eviction or period of homelessness can prove catastrophic.

² Stout's Independent Evaluation of the Eviction Right to Counsel Pilot Program in Davidson County: Interim Report for the Period August 1, 2022 through June 30, 2023, at 1 (Oct. 16, 2023), <https://las.org/ertc/ertcevaluation2023/>.

³ *Id.*

⁴ *See, e.g.*, Cost-Benefit Analysis of Providing a Right to Counsel to Tenants in Eviction Proceedings at 30-46 (Dec. 10, 2019), https://info.stout.com/hubfs/PDF/Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report_12-10-19.pdf. This report includes numerous citations to ongoing research in each of the discussed areas.

Even otherwise healthy tenants see worse health outcomes after the trauma of a sudden relocation.⁵

- Increased opportunities for employment and building credit. An eviction or sudden relocation almost always results in missed work; not infrequently, jobs are lost and credit is destroyed in the process. Rebuilding is costly not just for the tenant but for the community.
- Decreased use of the shelter system. Many tenants report nowhere to go if they are evicted. Accessing affordable housing in Nashville takes at least a month, and often more. Many tenants end up homeless and dependent on the city's shelter network during that transitional period.
- Improved outcomes for children. About half of ERTC clients have at least one child in their household. In total, the program has served almost 1,000 children. An eviction is highly disruptive for a child and can result in chronic absenteeism and frequent school switching, both of which have long-term consequences on children's scholastic performance.
- Reduced burden on law enforcement. A disproportionate amount of law enforcement resources is devoted to the unhoused population. Reducing the homeless population reduces the burden on law enforcement.

There are also substantial noneconomic benefits to providing access to attorneys. For example, **Darian**⁶ reached out to ERTC staff shortly after he'd been diagnosed with terminal pancreatic cancer. He hadn't known about his eviction case because he was in the hospital. Shortly after his release, he found a warning note on his door from the sheriff's office, stating he was about to be put out. ERTC advocates worked first with the sheriff's office and then the landlord to ensure Darian wasn't evicted. He died, still in his home, less than a month later. ERTC's assistance had little economic value. But affording Darian a death with dignity in his own home was priceless.

III. Funding Proposal: Building on Success

A. Consolidated Budget Proposal

The budget proposed below will ensure the ongoing viability and success of the ERTC program through June 30, 2026. Details are available. Legal Aid projects to roll over a small amount of funds from their current grant to the new year, and their request is \$1,373,235 of additional funds.

	Contract 1 – Legal Aid	Contract 2 - NHBA
Personnel	\$1,196,851	\$479,885
Non-Personnel	\$210,709	\$290,115
Administrative Cost	\$140,761	\$77,000
Total	\$1,548,321	\$847,000

⁵ For example, a recent study found an increase in mortality of 9.32 deaths per 100,000 people for every 1% increase in eviction rates. Rao et al., Association of U.S. County-Level Eviction Rates and All-Cause Mortality, 38 J. Gen'l Internal Med. 5, 1207 (Apr. 2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9640832/>.

⁶ All client names have been changed to preserve anonymity. Subsequent changed names are marked with an asterisk.

B. Tentative Grant Goals for FY26

With the proposed budget, ERTC partners anticipate achieving one-year goals found at the end of this presentation.

C. Spotlight on Key Grant Activities

A flourishing ERTC program consists of far more than its demographic metrics and economic outcomes. The following vignettes are a window into the value and quality of our services.

1. Providing High-Quality Legal Representation to Tenants Facing Eviction

Arthur* was being evicted from a subsidized complex for seniors because the landlord claimed the apartment wasn't clean. About a year before, Arthur had been through an apartment fire; he'd spent months recovering and admitted that his housekeeping had suffered at the time. But ERTC staff visited him and found his apartment quite neat; indeed, the apartment was nearly empty because Arthur couldn't afford to buy new furniture after the fire. In light of Arthur's medical history, ERTC staff requested that, as a reasonable accommodation, the landlord inspect the apartment and allow him to remain if it currently met standards. The complex refused.

So ERTC staff took the case to trial. Arthur couldn't navigate the step up to the witness stand, so he sat on his walker to testify about his recovery. The judge found that the complex had discriminated against Arthur by refusing his reasonable request for a new inspection. The landlord ultimately forgave several months of rent and paid Arthur \$5,000, in addition to attorney's fees for both Legal Aid and NHBA, whose staff had worked together on the case.

Sometimes ERTC intervention keeps a case from ever getting to court. That was the situation for **Kendra***, who called ERTC after receiving a surprise bill. Kendra's landlord had accidentally been under-charging her for more than a year. When the landlord realized their mistake, they sent Kendra a bill for \$2,500.

ERTC staff helped Kendra advocate for herself. With ERTC support, Kendra explained to her landlord that she was not responsible for their error, and while she was willing to pay something toward the missing rent, she could not afford to pay it all at once. ERTC staff assisted Kendra and encouraged her throughout her negotiations. In the end, the landlord dropped \$1,000 off their demand and accepted the remaining \$1,500 over a three-month period. With ERTC support, Kendra kept herself housed and stopped a potential eviction in its tracks.

ERTC in conjunction with AMAC also assisted the **Hassan*** family, asylees from Sudan who signed a lease for an apartment with a garage. On the day the Hassans went to move in with their three children, the home did not have the promised garage. It took the landlord eleven days to provide the Adams with an appropriate apartment and, when they finally moved in, the stove didn't work. When the family complained about the condition of the home, they were sent an eviction notice. Scared and wishing to make no trouble, the Hassan family moved out after living in the home for less than five days. The landlord nonetheless sent the Hassans a bill for more than \$3,000 and a letter threatening a lawsuit. ERTC prevented the landlord from filing suit against the Hassans and obtained a release of all claims against the family.

2. Maintaining Presence at In-Court Help Desk

In January 2023, the ERTC team was expecting a year with at least 1,000 evictions per month in Davidson County. The team knew it was crucial to establish a presence in the courthouse to reach clients who never knew about the program or didn't have time to reach out before their court date. NHBA and Legal Aid approached the Davidson County General Court Administrator and presiding judge for permission to set up a help desk outside of the eviction courtrooms to provide information to people appearing on eviction matters.

On any given day, the court table, located outside of General Sessions courtrooms 1A and 1B, is staffed by representatives from Legal Aid and NHBA. The NHBA representatives are bilingual in English and Spanish. Written materials from all ERTC partners are available at the help desk in many other languages to equip those coming to court with important legal information that they may need.

Tenants routinely approach the help desk with questions and concerns. **Robert*** was one such client. Robert had moved out of his apartment weeks before because the rent was going up and the place was in bad condition. The front porch was collapsing, the floor near the bathroom was sinking, and at one point, he had to bathe at the YMCA because the drainage system stopped working. Because Robert can't read or write well, he didn't give written notice. Instead, he talked to the property manager to make sure he was squared away and then moved out. About a month later, Robert began receiving notices that he owed a month's rent and was facing eviction from the apartment that he had already vacated.

Robert came to court and found ERTC staff at the help desk. Staff at the table explained how Robert could ask for a continuance. Ultimately, an ERTC attorney got the case dismissed, and the landlord dropped all claims for back rent.

Without ERTC's expanded court presence, Robert would have struggled to find representation or to represent himself in court. Meeting clients where they are is a cornerstone of ERTC's court outreach efforts and the main force behind its continued expansion and development.

3. Continuing Robust Outreach Efforts, Focusing on High-Need Communities

Meeting our clients in the communities where they live is an integral part of the success of the ERTC program. For example, NHBA and AMAC are experts at reaching populations in a way that builds trust and ensures that we focus on communities with the highest needs. Due to these partnerships, ERTC's know-your-rights materials are now available in Spanish, Arabic, Amharic, Dari, Pashto, Somali, and Kurdish.

Another vulnerable community that the ERTC program serves is area veterans. ERTC partners with Operation Stand Down Tennessee to establish a robust referral network to help veterans facing evictions. ERTC personnel trained OSDTN staff on eviction basics and provided materials for veterans in need. We intend to build on this partnership going forward, including with a potential veteran-focused Fair Housing Month event this coming April.

One of the most fruitful partnerships has been with the Homeless Education Resource Office (HERO) of Metro Nashville Public Schools. Designed to support children who are at risk of or experiencing homelessness, HERO is an obvious partner for ERTC. ERTC receives referrals from the HERO program, conducts staff training, and provides them with materials. A months-long effort by the ERTC Legal Navigator team resulted in distributing a digital packet of multiple materials in multiple languages to every guidance counselor in MNPS, for a total of more than 50,000 materials.

4. Championing Language Access

ERTC staff work to make all our services available to all tenants, regardless of the languages they speak. ERTC has met with the General Sessions Civil Judicial Committee to encourage the Court to increase awareness among litigants of the availability of free interpretation services.

Legal Aid and NHBA work together to ensure the court help desk is staffed by Spanish speakers as often as possible. Court announcements about tenants' rights are made in both English and Spanish. ERTC uses interpreters and local nonprofits to provide effective assistance to clients speaking all languages. Our materials are translated into six non-English languages.

Our advocacy also addresses language access issues. ERTC recently served the **Laguerre*** family. This Haitian family was having difficulty obtaining a copy of their lease from their landlord. They didn't understand certain charges they were being assessed each month and thought the lease could help.

The family, who only spoke Creole, couldn't communicate with the landlord. ERTC employed a Haitian interpreter to work with the family. Upon investigation, ERTC staff determined that the extra charges weren't from the landlord, but from an insurance agency. It turned out that the client had signed up for the insurance policy on a public computer that was previously used by another resident. Since the previous user's information was still in the computer, the family was mistakenly paying for two insurance policies. ERTC staff not only satisfied the family's original goal of getting a copy of their lease, but also got a refund of the \$1,440 overpayment.

5. Building Awareness Through Media Engagement

Building awareness of the ERTC program is vital to ensure that those who need our help the most can access it. Our outreach events already targeted specific high-need groups. To reach a broader audience, we began a media campaign that not only got out the word about our services, but also shared much-needed legal information with tenants and landlords around Davidson County.

First in June⁷ and again in December of 2023⁸, Legal Aid and NHBA directors appeared on call-in shows with News Channel 5 to discuss the ERTC program and tenants' rights. We answered questions about the eviction process, provided updates on the ERTC program, and informed

⁷ Morning Line, Eviction Right to Counsel (June 20, 2023), <https://www.newschannel5.com/plus/morningline/eviction-right-to-counsel-program>.

⁸ Open Line, Eviction Right to Counsel (Dec. 19, 2023), <https://www.newschannel5.com/plus/openline/eviction-right-to-counsel>.

viewers about their legal rights. The efforts to increase engagement were a success: After each airing, the number of people calling the ERTC hotline spiked.

Some media coverage was tied to specific, timely issues. For example, ERTC's appearance on the local public radio show "This is Nashville" focused on how the end of pandemic-era rent relief programs affected Nashville renters.⁹ Other appearances answered common tenant questions, like what to do if your landlord doesn't make repairs, or whether your landlord can change your locks.¹⁰

IV. Conclusion

Legal Aid Society and Nashville Hispanic Bar Association continue to make strides in their impact on Davidson County residents with the Eviction Right to Counsel Program. To continue this work, we seek ARPA funding of \$1,373,235 for Legal Aid and \$847,000 for NHBA.

⁹ WPLN News, What You Need to Know About Eviction in Middle Tennessee (Feb. 8, 2023), <https://wpln.org/post/episodes/eviction-process-tennessee/>.

¹⁰ The Tennessean, 3 Things to Know About Eviction in Davidson County (Dec. 26, 2023), <https://www.tennessean.com/story/news/local/davidson/2023/12/26/3-things-to-know-about-eviction-in-davidson-county/72001530007/>.



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Grant metrics for FY26 are as follows:

- Serve 600 clients
- Conduct/attend 40 outreach events
- Staff the Court Help Desk for 65 days
- Produce and distribute 10,000 education and awareness materials



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NHBA-ERTC GRANT METRICS - 2026

CASES CLOSED	125
UNIQUE INDIVIDUALS SERVED	300
OUTREACH EVENTS ATTENDED	40
MATERIALS DISTRIBUTED	5,000
COURTHOUSE OUTREACH TABLE STAFFED	125 DAYS
INTERPRETATION / TRANSLATION SERVICES PROVIDED	30 TIMES
MEDIATIONS CONDUCTED	60