



Office of the Attorney General
Washington, D.C. 20530

August 30, 2021

To Members of the Legal Community:

I write to urge you to join me in helping to address the looming housing and evictions crisis.

As federal and local eviction moratoriums expire around the country, eviction filings are expected to spike to roughly double their pre-pandemic levels. According to a recent Census Bureau survey, over six million American households report that they are behind on rent. Over three million households that are behind on rental payments believe they may be evicted in the next two months. The impact of evictions on these families would be devastating. Studies have shown that losing one's home can have long-lasting economic and psychological effects, and the CDC has made clear that mass evictions will only exacerbate the COVID-19 pandemic.

State courts are on the front lines of this crisis. Just two weeks ago, the Associate Attorney General and I held a meeting with nearly 40 state Chief Justices to discuss the housing and eviction crisis confronting the country. We heard about the steps state courts have taken to raise awareness of the emergency rental assistance that Congress has provided and about the obstacles courts face in combating the crisis. The justices spoke of the many landlords and tenants who need help applying for the emergency rental assistance that Congress made available to keep families in their homes. In addition, they noted that the vast majority of tenants need access to legal counsel because far too many evictions result from default judgments in which the tenant never appeared in court.

The legal profession is well positioned to provide support for tenants, landlords, and courts during this crisis. Promoting access to justice to ensure that our justice system delivers outcomes that are fair and accessible to all, irrespective of wealth or status, is one of the highest ideals of the legal profession.

Because evictions are subject to state laws and local regulations, there is no national “one size fits all” solution. But no matter where you live, lawyers and law students like you can apply your legal training and skills to help your community. Here are some specific steps you could take.

- **Help Applicants Access Rental Assistance.** The federal Emergency Rental Assistance Program (ERAP) provides significant economic relief to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic. The funds are provided directly to States, U.S. territories, local governments, and tribes. Although the funding is federal, the application process varies depending on the location of the household, subject to federal law and [Treasury Department guidance](#). Lawyers and law students can reach out to state and local ERAP administrators to offer to (1) help get the word out about these funds, and (2) assist applicants through the application process. The Consumer Financial Protection Bureau’s [Rental Assistance Finder](#) tool can help you identify the local ERAP administrator in your area.
- **Volunteer with your local legal aid provider.** The National Center for State Courts has compiled a [map](#) of legal aid organizations around the country that work on housing cases. I invite you to reach out to these organizations and volunteer to provide legal counseling or representation to tenants as they apply for rental assistance, mediate disputes with landlords, or litigate eviction filings in court. Legal aid providers often work across county and city lines, so the most appropriate partner may be located in a different town or city than the one in which you generally practice.
- **Help local courts implement eviction diversion programs.** The Associate Attorney General and I have [encouraged state courts](#) to adopt eviction diversion strategies to help families avoid the disruption and damage of evictions, assist tenants and landlords in obtaining rental assistance, and relieve court dockets. These programs can be especially effective when they combine access to legal counseling, mediation, and social services. If you or staff in your office are interested in assisting courts in implementing these strategies, perhaps by acting as a mediator or appointed counsel, or as a neutral resource to assist the court in explaining to the parties how ERAP applications can be submitted, we recommend that you contact your local court to determine if such a program exists and how to engage with it. If such a program does not exist in your area,

we encourage you to work with local bar leaders to offer to help the court set up such a program.

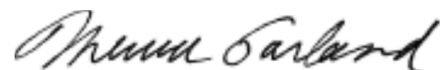
- **Federal Employees.** Federal government attorneys can do their part too. I encourage lawyers across the government to reach out to Laura Klein (Laura.F.Klein@usdoj.gov) of the Federal Government Pro Bono Program to identify opportunities to provide pro bono representation in housing cases and assistance at legal aid clinics.

During the height of the Civil Rights Movement, then-Attorney General Robert F. Kennedy urged members of the legal profession, as part of their obligation to support equal justice under law, to use their knowledge and skills to advance the rights of those who were most vulnerable. Once again, the legal community has an obligation to help those who are most vulnerable. We can do that by doing everything we can to ensure that people have a meaningful opportunity to stay in their homes and that eviction procedures are carried out in a fair and just manner.

The Department of Justice stands as a ready and willing partner in this effort. Please share [this video](#) to get others involved.

Thank you.

Sincerely,



Merrick B. Garland
Attorney General