

Using Holistic Strategies to Address Housing Problems

Rhonda K. Dahlman

Project Coordinator, Alternatives to Landlord/Tenant Court for the Elderly Project

AARP/Legal Counsel for the Elderly

601 E Street, NW Suite A4-410

Washington, DC 200494103

(202)434-2155

rdahlman@aarp.org

Teresa Lynn Friend

Managing Attorney, Homeless Advocacy Project

Volunteer Legal Services Program, Bar Association of San Francisco

1360 Mission Street, Suite 201

San Francisco, CA 94103

(415)575-3130

Tfriend@sfbar.org

Brief Description:

This workshop will explain in nuts-and-bolts fashion holistic models to solve housing problems, such as partnering with housing providers, securing social services, and collaborating with landlord/tenant courts. The panelists will describe how to replicate proven models for partnering in both urban and rural settings as well as discuss creative uses of the Fair Housing Act and the Rehabilitation Act.

Topical Outline:

- I. Introduction
 - a. Housing providers may face a unique set of problems when dealing with elderly tenants yet they may also be reluctant to take legal action against these tenants. What does a housing provider do for example if it has a long-term tenant who suddenly stops paying the rent or is unable to maintain his or her apartment?
 - b. The Alternatives Project works directly with housing providers, social workers and tenants to find holistic ways to guarantee a tenant will be able to continue to live independently in her/his own communities.
 - c. The Homeless Advocacy Project (“HAP”) provides legal services, with supporting social services, to individuals and families who are homeless or at serious risk of homelessness in San Francisco. HAP is a combination staff and volunteer- based program, with both attorneys and social workers

on staff, and also utilize volunteer legal and social service professionals. HAP prioritizes clients who have mental health disabilities. This specific aspect of the project focuses on preventing homelessness by taking a holistic approach to the threat of eviction, especially when the basis for the eviction is related to a client's disability (e.g., hoarding or behavior issues.).

- II. Overview of the Alternatives to Landlord/Tenant Court for the Elderly Project
 - a. History of the Alternatives Project
 - b. Why housing providers support an eviction diversion project for the elderly
 - c. Creating the foundation upon which to build an effective eviction diversion project.
 - i. Building a coalition of housing providers, landlord attorneys, social workers and legal services providers
 - 1. Selecting coalition members.
 - 2. Determining the goals of the coalition
 - 3. Decision-making through the coalition.
 - ii. Training
 - 1. Training social workers on the law in their jurisdiction and how the court process works. Training them to work with housing providers who have “at-risk” tenants and taking a pro-active approach in resolving situations involving said tenants.
 - 2. Training of housing providers to identify the “red-flags” relating to their elder tenants.
 - 3. Training of other legal service providers regarding the eviction diversion project and fair housing law
 - 4. Training of the judiciary about the project and fair housing law.
 - d. Benefits to legal services provider looking to replicate an eviction diversion project.
 - i. More cases favorably resolved through an informal, but coordinated system including housing providers, legal service providers, and social service community.
 - 1. Coordination of efforts gives each “player” a stake in the outcome.
 - ii. Fundraising opportunities using the holistic approach.
 - 1. Private grants.
 - 2. Direct donations.
 - 3. Contributions from interfaith community.
 - iii. Minimizing time-consuming litigation
 - e. How does staff keep the Alternatives Project going?
 - i. The holistic approach is a fundamental part of what we are and how we provide all of our services.
 - ii. Utilization of a collaborative, holistic approach is written into most of our grant proposals.

- iii. Leveraging of legal and social service professional volunteers expands our capacity.

III. Overview of the Homeless Advocacy Project (HAP) Model

- a. Eviction Prevention - Unlawful detainer defense
 - i. Legal professionals request reasonable accommodation, defend eviction, and work out stipulation to maintain tenancy if possible. Legal advocates also explore other relevant issues (e.g., should the clients receive disability or other public benefits, or were their benefits terminated?).
 - ii. At the same time, social service professionals help facilitate the relationship between the legal advocate and the client, and connect client with needed services (e.g., mental health treatment, In Home Support Services; cleaning service). Collaborations with mental health providers make it easier to provide documentation of clients' disabilities.
 - iii. Most referrals come from the Eviction Defense Collaborative (a pro per clinic that serves the entire city of San Francisco).
- b. Eviction Prevention – SRO Hotel management/desk clerk education
 - i. Education on disability rights laws and available resources help to prevent problems from developing, or lead to earlier and more effective interventions when clients are at-risk.
- c. Eviction Prevention – Developing relationships with Housing Providers, and Participating in Community Dialogue.
 - i. HAP staff attorneys press relevant issues that are important to us. For example, encouraging housing providers to utilize grievance procedures before proceeding to the formal eviction process; encouraging more meaningful involvement by on-site social workers in supportive housing; and pressuring management in supportive housing to actually effectuate their purpose of providing (and *maintaining*) housing for people who are homeless and disabled.
- d. Housing the Homeless
 - i. HAP takes a holistic approach to the provision of services to individuals and families who are already homeless. No matter what issue a client brings to our legal clinic, we always ask – does the client have a place to live? -does the client have a source of income? If the answer to either of those questions is “no,” we take steps to remedy the situation.
 - ii. Legal advocates work on benefits advocacy issues, while social service advocates get the clients on waiting lists for subsidized housing, and/or help with housing searches. Our ultimate goal with all of our clients is obtaining or retaining stability, including a safe and secure place to live.
- e. How was HAP created?
 - i. History of Holistic Advocacy
 - 1. The director of VLSP, Tanya Neiman, was an early advocate for taking a holistic approach to the legal

problems of indigent clients. This approach was initiated at HAP from its inception in 1988, and has developed and evolved since that time.

2. In the early days of the eviction prevention efforts, staff attorneys, support staff and volunteers would sometimes go so far as to clean clients' rooms or apartments ourselves to bring them into compliance. (While this can be a valuable team-building exercise, it gets old fast, is sometimes unsafe, and is probably not the most efficient use of attorney time.)
 3. Over time we increased the use of volunteer social service professionals, increased the number of collaborations with social service agencies, and increased the breadth of our knowledge about resources and effective approaches.
- ii. Equal Justice Works Fellowship focus
 1. From 2000-2002, HAP was fortunate to have a NAPIL/Equal Justice Works fellow who was able to devote substantial time to this aspect of our project. Specifically, he very actively developed relationships with the Housing Authority and with housing providers, to facilitate interventions before eviction actions were filed, and referrals for assistance when clients' tenancies were at risk.
- f. How do we keep HAP going?
- i. The holistic approach is a fundamental part of what we are and how we provide all of our services.
 - ii. Utilization of a collaborative, holistic approach is written into most of our grant proposals.
 - iii. Leveraging of legal and social service professional volunteers expands our capacity.

- IV. Perceived (and actual) barriers to success, and strategies for addressing barriers.
- a. Funding issues
 - i. Effective utilization of volunteers stretches resources.
 - b. Gaps in holistic services/treatment resource issues
 - i. Always a problem, especially as services are being cut.
 - ii. Identifying service gaps.
 - iii. Creative ways to fill service gaps - collaborative partnerships, excellent working relationships with social service providers, familiarity with resources, and utilization of volunteers all help to address this issue.
 - iv. Creating intergenerational approaches
 - c. Educating landlords, landlords' attorneys, the court, and our own advocates.
 - i. There is little familiarity with the extent to which disability rights laws are applicable to tenants, especially tenants whose disabilities are leading to nuisance behaviors.

- ii. Teaching our advocates to make disability rights arguments is a crucial first step, and providing the opportunity for immediate involvement by our social service component helps lead to effective resolutions.
 - iii. We can now work very effectively with landlords' attorneys who have become familiar with disability rights arguments, and the range of solutions that are available.
- d. Dealing with difficult clients or difficult issues
 - i. Providing proper training to staff and volunteers about how to work effectively with clients who have mental health issues.
 - ii. Understanding the limitations of the law, and retaining credibility with opposing counsel and housing providers requires recognizing and dealing differently with behavior that actually poses a danger to others.
- e. Legal and Social Service professionals working together.
 - i. Understanding and respecting each profession's role.
 - ii. Resolving the potential for conflicting ethical obligations.
 - 1. Our project is primarily a legal services provider, where staff social work is ancillary to the legal services, and the social workers are supervised by the Managing Attorney. Different rules may apply for mental health professional volunteers whose connection to the project is more tenuous. There is a need to make sure that clients give informed consent, and that we are clear with them about who is serving them in what role, and how that affects their rights.