



## Rent Court Watch: Statistical Findings

**Data Current As Of - 07/19/2023**

**N=1460**

*Note on Data Collection: This information is based on data directly collected from failure-to-pay-rent hearings by BRU Advocates and Volunteers who sit in and hand-transcribe data from proceedings in real time. It is accurate to the best of our knowledge, but to err is human. Data will also improve and trends will become more visible over time as we collect more data points. If you want to help us collect and organize our data, sign up on the volunteer page on our website.*

### **Presence & Representation Statistics**

#### **25% of tenants who showed up to court had legal representation**

- Of those tenants, Black men were least likely to be represented at 21%, followed by Black women at 26%
- Black tenants overall had legal representation 24% of the time
- White tenants had legal representation 30% of the time
- Black tenants made up 90% of cases overall, white tenants made up only 6%. Black women made up the largest portion of those coming to the courthouse, making up 65% of tenants there overall

#### **Overall, landlords show up for only 28% of cases\***

- They used agents 54% of the time overall
- They used attorneys 21% of the time overall

*\*These numbers add up to more than 100% because in some cases a landlord will show up with an attorney or send both an agent and an attorney.*

#### **Tenants show up in 38% of cases.**

- When the tenant was present, the landlord was personally present 35% of the time vs. 23% of the time when the tenant was not
- When the tenant was present, landlords had an agent in 57% of cases vs 51% of cases when the tenant was not
- When the tenant was present, landlords had an attorney in 29% of cases vs 16% of cases when the tenant was not present

#### **In the 25% of cases where tenants are represented:**

- The landlord showed up 43% of the time vs 32% of the time when the tenant was not represented
- The landlord used an agent 51% of the time vs 59% of the time when the tenant was not represented
- The landlord used an attorney 28% of the time vs 30% of the time when the tenant was not represented

### What does this tell us?

- **Tenants show up more frequently than landlords, even though landlords are the ones filing the cases**
- In cases where a landlord is represented, tenants are less likely to be present. (Anecdotally, tenants have told BRU advocates that they are more stressed and feel more hopeless/think it is less worth a fight when their landlord can afford a lawyer, agent, etc.)
- There is a positive correlation between tenant and landlord presence

### Licensure Statistics

#### Judges only ask if a landlord has a license about 19% of the time

- This is usually asking the agent or landlord “do you confirm this property is licensed to the best of your knowledge?”
- Judges only ask for any documentation whatsoever supporting landlords’ testimony 2% of the time - this means the other 98% of the time they just take landlords at their word on literally everything.
- Tenants are virtually always expected to bring documentation of their testimony - advocates have never seen a judge dismiss a case on a tenant’s word alone
- Landlords are not required to show their license, just a number that’s not verified by the courts, but tenants are required to show proof of lack of licensure if they allege a landlord is unlicensed

#### Again, Landlords are only present for their own hearings about 28% of the time.

- In the other 72% of cases where they are absent, advocates only saw the judge ask agents & attorneys for documentation about 4% of the time.
- Remember - landlord agents may never have met the tenant or seen the property before the day of the hearing. They only have the information the landlords send them, and usually do not have a way to verify its accuracy even if they wanted to.

### What does this tell us?

- **There are essentially no checks or balances on licensure in rent court beyond the expectation that a tenant be aware of licensure laws and bring proof a landlord is unlicensed to defend against a failure-to-pay-rent case. The burden is on tenants to know the law and verify their landlord is operating illegally if they don’t want to be evicted.**
- Agents have plausible deniability to lie about licensure - there is no requirement that they check a license number on a filing, and there are no checks that license numbers are accurate
- **De facto, this means tenants are likely being evicted from unlicensed rental properties every day**

\*\*Note - a law is going into effect October 1st, 2023 that expands the licensure requirements to all summary ejectment (eviction) procedures, including tenant holding over and wrongful detainer. This means that as of October 1st, unlicensed landlords functionally cannot evict tenants unless they do something that materially violates the lease

## **Standards of Evidence, Right To Counsel, and Defenses**

**Overall, Judges only ask for evidence on the landlord's side of the case 2.5% of the time.**

- Landlords are least likely to be asked to present any evidence when being represented by agents
  - judges didn't ask agents for any evidence whatsoever 97% of the time.
- In cases where tenants are represented, the judge asks the landlord or their representatives for evidence 6% of the time vs. 2% of the time when tenants are unrepresented.
- Tenants are essentially always required to bring photos, paperwork, and other hard evidence of what they are saying.

**Overall, about 10% of tenants end up being told to go to the hallway to discuss their case with a landlord or their representatives to try and make a "deal" (consent judgment).**

- Represented tenants are slightly (possibly negligibly) less likely to end up in the hallway making a deal at 8% vs. 9% of tenants without representation
- The least common negotiation situation is one where a landlord comes to court in person and negotiates with a tenant who has a lawyer - this happens in only 5% of cases
- **Inversely, the most common situation, at 13%, is when a tenant does not have representation and ends up negotiating with both a landlord's agent *and* a lawyer - this is usually the case with larger rental corporations that use professional agents and file dozens or hundreds of cases at a time**
- If tenants have a lawyer in this situation, the likelihood that they end up in the hallway making a deal drops 4 percentage points to 9%

**Judges only mentioned to tenants that they had a right to free legal representation 4% of the time - this was usually a single sentence in their docket introduction.**

- Judges suggested tenants seek legal help individually before proceeding with their hearings in about 2% of cases

### **What does this tell us?**

**Tenants having representation slightly increases the likelihood that judges will do their jobs to help tenants access their rights, but overall the courts are operating wildly in the landlord's favor.**

- Landlords are basically never required to show any proof they are telling the truth, and the court operates even further outside of the law when agents are involved.
- Tenants who have no representation and who are going up against a landlord that can afford representation are the most likely to be encouraged to negotiate deals with landlords that usually do not benefit them
- Judges seem to be on better behavior when a tenant has legal representation - they are more likely to ask if a landlord has evidence of their allegations against the tenant and less likely to push the tenant to make a deal with the landlord
- Judges do not seem to care about ensuring that tenants understand their rights, barely mentioning the fact that there are free lawyers right outside the courtroom that can help

**Stay tuned for more findings as our Rent Court Watch program grows! For more information on our process or to look at our actual collected data, email [info@bmorerentersunited.org](mailto:info@bmorerentersunited.org)**

