

Description of Landlord/Tenant CLE

At a rate of 16.7%, North Charleston has been named #1 in the United States for Eviction filings by the Princeton University Eviction Lab. The Housing Court Committee, formed in September 2018, is seeking to increase representation of tenants in an effort to reduce the number of evictions displacing Charleston County residents. The Housing Court Committee has requested Charleston Pro Bono Legal Services to hold a follow up to their well-attended 2017 CLE in Landlord Tenant Law. The main objective of this CLE is to teach attorneys how to defend residential tenants in actions for possession with an ultimate goal of having more attorneys trained in this field so that they can provide *pro bono* assistance to eviction defendants. Charleston Pro Bono and the Housing Court Committee believe that many of the eviction filings are improper and can be resolved with the inclusion of informed legal counsel.

This area of law is ideal for *pro bono* work since the cases come to court quickly and do not involve lengthy discovery. Additionally, though some causes of action within the SC Residential Landlord Tenant Act carry a statutory award of attorney fees, they are rarely substantial enough to secure private representation. Accordingly, it's important to note that this initiative would not be taking paying clients away from any firm, as those who would participate qualify for legal aid and are within 200% of the Federal Poverty Guidelines as set by HUD.

The first portion of the program will provide step-by-step procedural instruction with sample pleadings and commonly-used forms. Specifically, we will cover the three most prevalent tenant issues: (1) Wrongful Eviction; (2) Failure to Make Repairs after Notice; and (3) Failure to Return Security Deposits. We will also have an attorney cover the financial aspects of Landlord/Tenant law, including notice, return of security deposits, and how to obtain attorneys' fees.

Sample questions to address include:

- What do I do when a client tells me they've been served with an eviction notice?
- How does the language in the lease affect the landlord's process for eviction?
- The tenant needs repairs, but the landlord is non-responsive to requests. What next?
- The lease term has ended, but the landlord will not return the deposit nor providing an accounting for why it's being withheld. What do we do?

The next portion of the CLE will be presented by Magistrate Judge Amy Mikell and will cover court procedure in an eviction proceeding. She will discuss the court proceedings to include presentation of evidence.

Next, we will have Nicole Paluzzi talk about recent proposed amendments to the Landlord/Tenant Act and how it will impact this area of law.

Following that, we will have representatives from the City of Charleston and Charleston County Housing Authority as well as the City of North Charleston Housing Authority to cover Section 8 and public housing issues. Sample questions include:

- How does public housing differ from private residential leases? Is there a difference between Section 8 and public housing?
- Should attorneys be contacting the property owners or the housing authorities?
- Are there certain "rules" that apply to public housing?

We will then have a section where legal aid attorneys/organizations will talk about the unique factors in representing indigent/low-income clients (i.e. they may be hard to reach because many only have so many minutes on their phone, scheduling appointments with their work schedule). We are also considering a panel of representatives from firms that do *pro bono* work and the business and personal benefit of doing so.

Finally, we will close with attorney Jeff Yungman who will present an update on the Housing Court initiative. The ultimate hope is that the attorneys in attendance will leave feeling more comfortable handling a landlord/tenant case and will be willing to do so for qualifying applicants.