

# EVICTION CRISIS IN DURHAM: HOW YOU CAN MAKE A DIFFERENCE

## WHAT IS THE PROBLEM?

As of February 7, 2022, the municipal programs to distribute Federal aid for Emergency Rental Assistance in Durham **stopped accepting new applications**. Evictions are regularly being filed in Durham, and many new households are now at risk of being evicted.

The court system makes it easy for the landlord to file eviction paperwork, have a quick process, and avoid hiring a lawyer. A tenant who gets a Summary Ejectment judgment has 10 days to appeal the magistrate's ruling before a Writ of Possession is entered, and the Sheriff padlocks them out. They may find a couch or a bed with family or friends, but may have no place to put their belongings that can end up being thrown onto the curb.

Within those 10 days, Durham Tenants have a right to appeal the small claims judgment to District Court. **The simple act of appealing is an act of power that gives the tenant more time and leverage with the landlord.** In addition to filing the appeal paperwork, tenants **must pay the appeal bond** which is based on the upcoming rent owed. Once the appeal is successfully filed, and the bond posted, a community lawyer can utilize various legal avenues to better represent a tenant in their eviction case on appeal, which could take a few months (or longer) to resolve. In some cases the tenant's attorney can negotiate a settlement and even renew the lease; others may arrive at a move-out agreement that buys them time to find a new place, and for others the landlord agrees to dismiss the case.

## HOW CAN YOU HELP?

There is a way to give so that families who normally don't have access to the money that they need can have some legal power when it comes to eviction. **Write a check (for any \$ amount) payable to "Lockamy Law Firm Trust Account". In the memo line, please write "Durham Tenants Legal Power Fund"**. Mail to: The Lockamy Law Firm 3130 Hope Valley Rd Durham NC 27707. The pro-bono services of the Law Clinic of North Carolina Central University, Duke University, and Legal Aid will help tenants appeal their eviction and then tap into this fund to pay the appeal bond. The appeal bond fund with Lockamy Law firm will be accessed by neighbors who qualify as "indigent" or poor and are represented by a law clinic. These funds will be targeted to the urgent need for quick turnaround of bond payments amounts which are calculated by the Court. Tenants may be able to receive assistance for rent/appeal bonds in subsequent months from Legal Aid, thus creating a continuum of aid to prevent eviction.

## WHY GIVE TO THE DURHAM TENANTS LEGAL POWER FUND?

- 1) All donations go directly into a secure trust account at Lockamy Law Firm. Scott Holmes is an attorney of counsel with Lockamy Law firm and has set up this client trust account to handle funds to pay appeal bonds for Durham tenants. The Durham Clerk of Court has agreed to take a lawyer's trust account check for appeal bond payments.
- 2) Volunteer organizers serve as remote administrators to process secure requests from the Community Lawyers for bond payments to be processed within approximately 24-48 hours, thus allowing the appeal to go through within the timeframe established in the Courts. This avoids the delays in other funding sources that can cause tenants to be evicted even though they want to appeal.
- 3) Though a donation to this fund is not tax deductible, **every donated dollar goes directly to pay eviction appeal bonds at the Durham County Courthouse.**
- 4) Durham Tenants Legal Power Fund has a positive track record since Dec 2021. As of March 4, 2022, \$7,286 has been donated into this fund, and 15 eviction bond payments have been issued (out of 21 requests).