



Housing Stability and **Tenant Representation** in a **Changing Knoxville**

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EXECUTIVE SUMMARY

THE EVICTION PREVENTION PROGRAM

Under the Eviction Prevention Program, **Legal Aid of East Tennessee (LAET)** provides representation to families at threat of eviction from their homes. Since November 2023, LAET has been able to hire two more lawyers and two paralegals increasing their caseload by over 50% due to funding from the CARES act. This funding runs out in May 2025.

The absence of legal representation significantly increases eviction risk for low-income families,¹ and can lead to negative outcomes, including monetary judgments, rapid displacement, and the creation of an eviction record.² Legal scholars have advocated for expanded access to legal counsel in civil court for over a century,³ recognizing that lawyers help level the playing field, enabling both parties to present their claims and advocate effectively. In eviction disputes, having legal counsel can empower tenants to frame and argue their case, though it does not necessarily guarantee a favorable outcome.

Evictions have widespread and multifaceted effects on individuals and communities. They negatively impact both mental and physical health, deepen financial instability, and increase the risk of homelessness. Evictions can jeopardize job security, complicate access to social services, and undermine future housing stability. For children, eviction is linked to increased school mobility, heightened food insecurity, and poorer birth and educational outcomes. Evictions also contribute to anxiety, stress, and depression. Far from being isolated or private incidents, evictions have far-reaching consequences that impact individuals, families, and community cohesion both in the short and long term.⁴

Since 2019 evictions have increased in Knoxville and Knox County. This report provides information on the state of evictions in Knoxville and Knox County with focus on the

legal process, impacts and cost of eviction for the City and County. We also analyze the resources available to tenants and provide a cost/benefit analysis of City and County funding.

Our goal is to demonstrate the impact of Legal Aid of East Tennessee's Eviction Prevention Program in providing legal support and services to families at risk of losing their homes. We conclude that the City and County can reduce the more extreme downstream effects of eviction and save money by investing in the Eviction Prevention Program.

¹ Ellen, I. G., O'Regan, K., House, S., & Brenner, R. (2021). Do lawyers matter? Early evidence on eviction patterns after the rollout of universal access to counsel in New York City. *Housing Policy Debate*, 31(3-5), 540-561. Seron, C., Van Ryzin, G., & Frankel, M. (2001). The impact of legal counsel on outcomes for poor tenants in New York City's housing court: results of a randomized experiment. *Law & Society Review*, 35(2), 419-434.

² Cassidy, M., & Currie, J. (2023). The effects of legal representation on tenant outcomes in housing court: Evidence from New York City's Universal Access Program. *Journal of Public Economics*, 222, 104844.

³ Marvy, P. (2006). Thinking about a civil right to counsel since 1923. *Clearinghouse Rev.*, 40, 170

⁴ Gold, A. E. (2016). No home for justice: How eviction perpetuates health inequity among low-income and minority tenants. *Geo. J. on Poverty L. & Pol'y*, 24, 59; Hatch, M. E., & Yun, J. (2021). Losing your home is bad for your health: Short-and medium-term health effects of eviction on young adults. *Housing Policy Debate*, 31(3-5), 469-489; Treglia, D., Byrne, T., & Tamla Rai, V. (2023). Quantifying the impact of evictions and eviction filings on homelessness rates in the United States. *Housing Policy Debate*, 1-12; see also, Mesa, A. (2025). Serial eviction filing in Knox County, Tennessee. [Master's Thesis, University of Tennessee].

INTRODUCTION

“...I mean, if you look at 2024 to 2025, they just published the fair market rents in Knoxville. And depending on bedroom size, those went up 20 to 30%. They’re based on American Community Survey data. So that is huge. I have never ever seen an increase like that in any market...And what that speaks to is that the naturally occurring affordable housing that used to exist, once again, mainly in places like South and East Knoxville, is becoming less affordable.”

- Ben Bentley, KCDC

In the United States and around the world many cities and towns have become increasingly unaffordable due primarily to increasing home and rental prices. Until recently, Knoxville, Tennessee had been largely unaffected, with housing and rental prices remaining affordable, and homes and units available for many of the area’s residents. Since 2020 however, Knoxville and Knox County are now experiencing rising housing and rental price rates that exceed even the national average.⁵ Since 2020, the median listing price for a home in Knoxville has risen 83%, and rental prices have increased by 56%.⁶ At the same time, average earnings have only increased 3.4% and remain significantly lower than the national average. In addition to rising home prices and slower wage growth, rental occupancy in Knox County is one of the highest in the country, currently around 96% after peaking at 99% in 2022.⁷

There are specific causes for these sudden and dramatic changes that start with the COVID pandemic and a radical shift in working conditions and opportunities. On the one hand, the pandemic showed many of us how we could work from home from anywhere in the world.⁸

On the other hand, for those professionals still able to work and receive their full salary, COVID and funds from the Federal government provided many people with extra cash to invest. Because it was cheaper than many areas in the country, many people started moving to East Tennessee, renting or purchasing houses in and around the area.⁹ During this same period, the University of Tennessee started to accept more students without consideration for where they would live.¹⁰ This change in demand for housing, and the fact that many who were moving to the area had more money and resources than the average Knoxville¹¹ meant that prices and demand quickly skewed upward, leaving many to struggle to find places to live that they could afford.

Even when people are able to find somewhere to rent, they are often cash-strapped and rent-burdened. In November 2024, East Tennessee Realtors' Market Pulse published that 53% of all renter households in East Tennessee are cost burdened (paying between 30-50% of their salary on rent), with 25% being severely cost-burdened (paying over 50% of their salary on rent).¹² As a result, when an emergency or crisis occurs, it can set in motion a series of events that often lead to families going into debt or unable to pay rent and utilities and being evicted from their homes.

⁵ East Tennessee Realtors. (2024). 2024 Housing Market Forecast Report. Feb. 1, 2024.

⁶ East Tennessee Realtors. (2024). 2024 Housing Market Forecast Report. Feb. 1, 2024.

⁷ East Tennessee Realtors. (2024). 2024 Housing Market Forecast Report. Feb. 1, 2024; see also, Mesa, A. (2025). Serial eviction filing in Knox County, Tennessee. [Master's Thesis, University of Tennessee].

⁸ Florida, R., & Kotkin, J. (2021). America's post-pandemic geography. *City Journal*, 14.

⁹ <https://tnsdc.utk.edu/2024/09/25/nashville-rebounds-and-tennessees-midsized-cities-shine-in-2023-population-estimates/#:~:text=Knoxville%2C%20Chattanooga%2C%20Clarksville%2C%20and,37%2C000%20new%20residents%20since%202020>. Accessed Dec. 10, 2024.

¹⁰ <https://medium.com/@shellema/growing-pains-effects-utks-5-year-streak-of-record-enrollment-is-having-on-students-5029879df3e3>. Accessed Dec. 10, 2024.

¹¹ <https://robbreport.com/shelter/homes-for-sale/californians-and-floridians-flocking-to-tennessee-1235397892/>. Accessed Dec. 10, 2024.

¹² <https://www.etnrealtors.com/assets/pdf/Market+Pulse+November+2024+PDF+Version/>. Accessed Dec. 10, 2024.

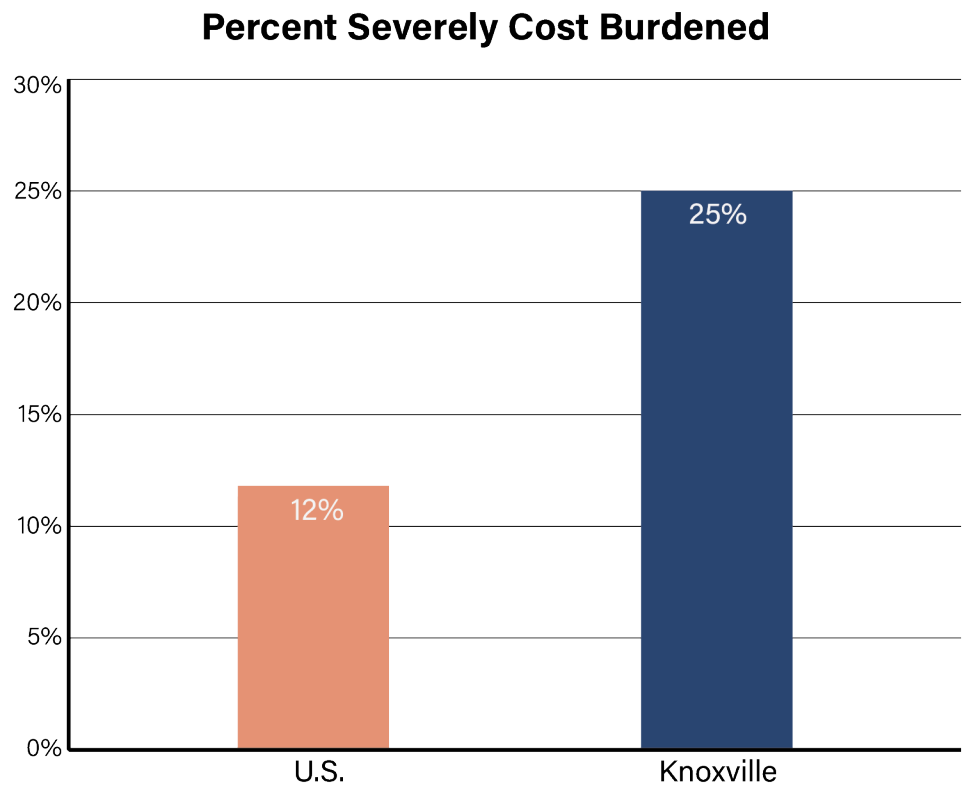


Figure 1 Source: Data from East Tennessee’s Realtor’s Market Pulse

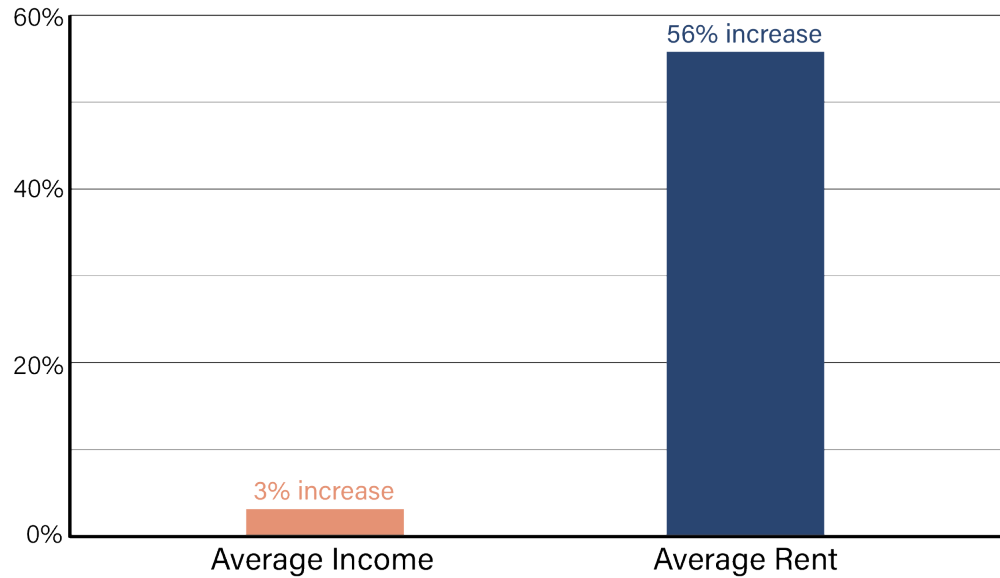
Knox County is home to approximately half a million people, with forty percent of that population living in Knoxville.¹³ The County and City are majority white, making up 85% and 74% respectively. The Black population lives primarily in Knoxville and makes up 16.1% of the city and 8.7% of the county population. Other minority populations include, Latino (5.7%), Asian (1.6%), and multiracial (6.4%) groups, highlighting a growth in the county’s diversity.¹⁴

Tennessee is one of the 10 poorest states in the US, with a poverty rate of 14% overall and 19.7% child poverty in 2023.¹⁵ Accounting for inflation, the median household income has remained around \$67,631 since 2022, with wages only increasing 3.4% over a four-

year period.¹⁶ In Knoxville and Knox County the poverty rate is at 20.7% and the median household income is around \$49,000.¹⁷ Since 2020 effective rents in Knoxville and Knox County have increased by 56%, while average earnings have only risen by just over 3%. In this economic landscape, the median rent is now around \$1,300 for a one-bedroom apartment. While this number remains below the national average of \$1,558, since 2020, rents in Knoxville and Knox County have increased markedly faster than the national average.¹⁸ An online report by Keyrenter reports that two-bedroom apartments in Knoxville and Knox County range anywhere from \$1399 to \$2896 depending on the location.¹⁹

Income has not kept up with skyrocketing rent in Knoxville or Knox County.

Average Rent and Income in Knoxville Since 2020



¹³ United States Census Bureau, 2023

¹⁴ United States Census Bureau, 2023; see also, Mesa, A. (2025). Serial eviction filing in Knox County, Tennessee. [Master’s Thesis, University of Tennessee].

¹⁵ The Sycamore Institute Report. <https://sycamoretn.org/why-housing-matters/>. Accessed: Oct. 31, 2024.

¹⁶ East Tennessee Realtors, 2024

¹⁷ The Sycamore Institute Report. <https://sycamoretn.org/why-housing-matters/>. Accessed: Oct. 31, 2024.

¹⁸ East Tennessee Realtors, 2024; United States Census Bureau, 2023

¹⁹ <https://www.keyrenterknoxville.com/blog/1e277d8b-edaf-4a0e-8cf7-b4360968ca1b/understanding-highrent-rates-in-knoxville-a-deep-dive#> Accessed: Dec. 10, 2024.

For a better understanding of what this means: 30% of \$49,000 is \$1200/month. For a single individual, the median household income and rent for a one-bedroom apartment may be plausible. However, for families with children, single mothers, mixed-generation families, and other arrangements that require multi-room apartments or houses, the 30% threshold suddenly becomes out of reach for many.

Although leaders of Knoxville and Knox County have committed resources to address the issue of housing instability—in 2023 a Knoxville-Knox County Joint Office on Housing Stability was established to centralize efforts around housing instability—much of the funding and programming are geared specifically toward homeless individuals, **with very few resources directed at eviction prevention and protection of families at risk of eviction or homelessness.**²⁰

Knoxville and Knox County have also taken many steps to address the lack of affordable housing that currently exists in the area. They are increasingly investing in building more units of private and federally subsidized housing. In fact, in the 2021- 2022 Knoxville annual budget, the mayor committed to a minimum annual investment of \$5 million in affordable housing construction for the next ten years.²¹ Recent changes in zoning will allow for middle housing, which will promote density and more diverse kinds of housing arrangements. However these options are expensive, long term remedies and cannot effectively address the many wide-ranging immediate or urgent issues that many Knoxville and Knox County residents are currently facing.

²⁰ City of Knoxville, 2023. https://www.knoxvilletn.gov/government/city_departments_offices/housing_and_neighborhood_development/office_on_homelessness. Accessed: Oct 29, 2024

²¹ City of Knoxville Housing and Neighborhood Development Department. Knoxville Affordable Housing Fund Annual Report 23-24, 2024. https://cdns5-hosted.civiclive.com/UserFiles/Servers/Server_109478/File/CommunitySafety/Knoxville%20Affordable%20Housing%20Fund%2023-24%20Report%20final.pdf. Accessed: November 25, 2024.

METHODS

This report was developed over a period of four months (August-November) as part of the Appalachian Research Justice Center's (ARJC) Fall semester labs. Ten students: undergraduates and graduates from Law, Geography and Sustainability, and Sociology, met with their community partners, and Statewide Organizing for Community Empowerment (SOCM) to identify research on evictions in Knoxville and Knox County that would contribute to understanding the experiences and impacts of eviction on individuals as well as the City and County.

This report focuses on three areas regarding evictions in Knoxville and Knox County.

1) The Eviction Court Process: Students conducted participant observation at eviction court. Students attended court each week and documented the process inside the court, as well as the waiting and negotiating that occurs in the waiting rooms outside the court. Students also spoke briefly with tenants who were waiting for their case to be heard.

2) Focus on Legal Framework: Students analyzed the legal framework for Tenant-Landlord relations, with specific focus on the Uniform Residential Landlord Tenant Act (URLTA) as well as more local and state-wide laws and practices. Students also compared Tennessee housing law to other states' in order to determine how landlord and/or tenant-friendly state laws are. Students also determined some of the differences in the framing and application of the law.

3) Focus on Economic Impacts: Students examined how the County and the City distribute funds for services and resources in order to determine whether the city and county would save money by extending funding for the Legal Aid of East Tennessee.

HOUSING STABILITY AND TENANT ADVOCACY IN A CHANGING KNOXVILLE

Students also interviewed lawyers, judges, civil servants who work with housing, evictions, and homelessness, as well as tenants who are experiencing eviction.

By employing these methodologies and data collection, the objective of the project was to understand the eviction process in Knoxville and Knox County and the impacts on: tenants, landlords, lawyers, judges as well as financially for the City and the County.



Knox County Courthouse

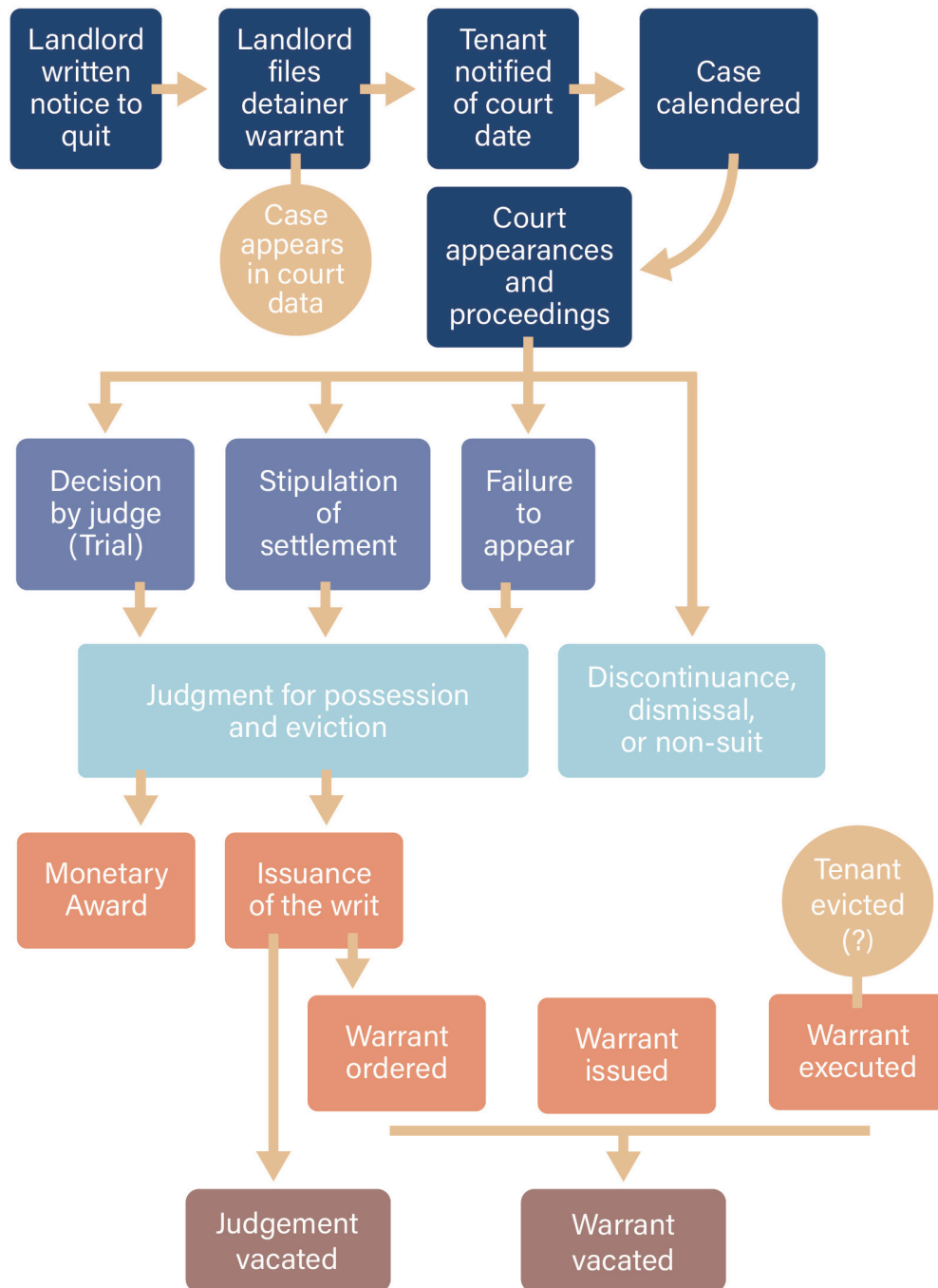
EVICTIION COURT

INTRODUCTION

Tuesday, October 1st, 2024: Eviction Court is taking place in the Old Knox County Court House.

In the early morning of eviction court, Knoxville's old courthouse was crowded and lively, with deliberation, mediation, and anxiety. "They put you through all this shit and for what," says an older man, a Knoxville native who proceeds to wait for over three more hours for his case to be heard. At the same time, a young female landlord shares a similar annoyance with her attorney, "The number of times I have been back for just one person!" A court clerk walks to the pews that are designated for 'Child Support Court Seating Only' and asks, "Who is here for child support court?" Only one person raises their hand, everyone else is there for eviction court. The clerk doesn't bother to tell them to move. It won't matter, someone else waiting for eviction court will just take their place.

THE EVICTION PROCESS



The confusion in the room is immediately palpable. People stare nervously and look perplexed, clearly confused about what is happening and what they need to do. We are approached by an elderly man who asks, “Are you one of the lawyers from Legal Aid?” Behind him others look at us hopefully. When we tell him no, his eyes and shoulders drop. He continues to sit anxiously and wait until the Legal Aid lawyers finally arrive.

In the courtroom, a judge points to a man in the back saying, “Do you have a case?” Confused, the man stumbles and explains he thinks he’s on the docket, “Is that what the detainer is?” The judge states what he believes should be obvious to everyone, “Ok yes you do have a case. Talk to someone in the hallway.”

The eviction court process is, in some ways, a bureaucratic performance that is not structured to benefit anyone: not the tenants, not the landlords, not the lawyers nor the judges. So much of the process is waiting to be told where to go, who to talk to, where to sit, what to say, and what will happen. During this lengthy waiting time, the people stare off into space, scroll through their phone, and complain or whisper under their breath. Others, perhaps as a way to break the uncertainty and monotony of waiting, share their stories, frustrations, and experiences with whomever is standing or sitting next to them.

THE COURT PROCESS²²

To evict a tenant, the landlord must file a detainer warrant, which sets off a series of actions to remove the tenant from their home. The tenant will then be served with a summons to appear in court, usually delivered by the Sheriff's Department or a private process server. Tenants are given a very short notice for when they must appear in court, at which time the tenant is expected to be present. Only then can the tenant (or the landlord) ask the judge to postpone the trial. In the past the judge could postpone for up to 14 days, however in July 2024, the State Legislature shortened this period from 14 to 7 days (Tenn. Code Ann. § 29-18-118).

Often, when tenants receive a notice of eviction they simply move out because they assume they have no recourse. When a tenant is absent during the trial, the judge will usually enter a judgment for possession by default, which returns the apartment to the landlord and adds an eviction to tenants' history. These cases are common and while they make the court process faster, they can be costly for the landlord who loses money and the tenant who now has an eviction on their history.

When tenants do go to court, they are often confused, disoriented and anxious. In Knox County, eviction court takes place each Tuesday from approximately 9-1. The docket (the number of cases scheduled for that day) currently averages between 150-200 cases per week. When tenants arrive they must pass through security first and then either go up the stairs to the old court room and waiting room in the Old Courthouse building, or they pass through security in the newer City-County Building and wait in the large assembly room.

Both of these spaces are overwhelming and problematic for different reasons. The Old Knox County Court House is small, so tenants wait outside the courtroom, on hard benches and pews in the hallway or in the waiting room by the stairs. In the City-County Building, the assembly room is so large, it is hard to hear, and where the judge sits is far away from the podium where the lawyers and tenants argue their case.

The waiting areas outside each of the courts are also awkward to maneuver. Neither is organized to function well as a waiting or a meeting area, but every Tuesday it is full of people huddled around lawyers giving them instructions and then waiting hours for their name to be called.

²² Researchers from the Lab conducted weekly participatory observations at Eviction Court. We would arrive around 8:30 am and stay until 11 or 12. The goal was to document what they saw and whenever possible, informally talk with tenants. Participant observations took place from 10/1 - 11/12 on Tuesdays when there was court.

Make-shift waiting areas form when the court is too full, and lines extend out of building.



Court proceedings begin at 9am. Check-ins, an electronic board with names, a microphone and any other basic technological tools that could possibly facilitate the court process are virtually absent. Instead, residents must sit in the courtroom to wait for a lawyer or the judge to call their name. Some lawyers must go through 120 names or more, so they call the names out quickly. If tenants are not in the courtroom, or if they arrive late, or if they are simply distracted or can't hear the lawyer well, or if the lawyer mispronounces their name, then they run the risk of not hearing their name called and having their case defaulted.

After the lawyers call tenants' names, they are then expected to follow the lawyers outside into the waiting room to 'negotiate' their case. The tenants follow the lawyer to receive instructions, and then wait again—often for hours—for the landlord's lawyer to call them to explain their options. Often, the tenant doesn't actually know what they are waiting for or what options they have until the lawyer gets to them and explains their case. It is often only in the moment, after waiting for hours in a cramped waiting room, that residents are given some information about their case and their options. They are then expected to make a decision—often signing that they accept the terms of the eviction.

Tenants aren't the only ones sitting or standing around in these awkward, cramped, unfit spaces. Landlord lawyers, Legal Aid lawyers, landlords, and building managers are also forced to wait in spaces not intended for that amount of people or the work they are doing. Landlords' lawyers, especially those with multiple cases, are forced to use the public hallways to organize papers and write down people's information. Many go around juggling big binders in their arms trying to find all of the people on their docket for that week, often talking over others so that the tenant is able to hear what they say. These spaces can feel loud, chaotic, and crowded, and the process of wrangling up sometimes 40 or 50 people to discuss their eviction cases only makes these spaces even more cramped and anxiety-producing.

Both Legal Aid of East Tennessee and a social service agency that provides Emergency Rental Assistance are also in the waiting rooms so that they are visible to tenants who are waiting. There is a table and chairs set up so that they can sit with tenants and help them fill out papers. Neither Legal Aid nor Rental Assistance folks can approach tenants to offer services, but anyone can approach them.

In both programs, when a tenant approaches, they do an intake to establish the individual's eligibility. If eligible, they start the process of representation and/or rental assistance. As of this report's release date, Emergency Rental Assistance can provide rent assistance for up to 18 months to tenants, and Legal Aid of East Tennessee can provide representation

in tenants' cases. Both of these programs are currently being funded by the CARES act, and will run out of funding May 31, 2025. We discuss the benefits of having Legal Aid representation later in this report.

Despite their presence, many folks don't approach either of the tables where the social workers and lawyers are sitting. Many tenants simply wait to be told what to do and do not inquire about their options. This may be because tenants are usually very unaware of the limited but still existing resources and services available to them. Although landlord lawyers can be helpful in some instances, their role is to represent the landlord, and for those lawyers with dozens of cases, they are often focused on getting through them as quickly as possible. If tenants don't provide more information or don't ask questions, then they ultimately end up agreeing to whatever the lawyer offers them.

In some cases, residents must return the following week or later, only to repeat the waiting process all over again. Sometimes, this is because the tenant did not hear their name called even though they were in the courtroom. When this happens, the judge will reset the case and both the tenant and landlord (and their lawyers) must return to court the following week. Although the reset can benefit the tenant in that it provides the tenant more time to make arrangements or to find a solution to their case, it also prolongs their uncertainty and confusion particularly when they do not have representation.

Similarly, when tenants must return to court this usually means another day they must take off work, find child care, or arrange another ride to the courthouse. If tenants do not have the skills or the ability to seek out information about their rights and protections or advocate for themselves—and many do not—they are often just left waiting in highly precarious conditions that only worsen once the judgment is given. In sum, **the majority of tenants in eviction court are in an extremely precarious situation throughout the process, with little or no protections or support.**

LEGAL AID OF EAST TENNESSEE (LAET)

Legal Aid of East Tennessee (LAET) is a non-profit law firm that provides high-quality civil legal services free of charge for qualifying individuals. LAET services clients in 26 counties in East Tennessee across 11 offices. Their practice areas include public benefits, consumer law, housing law, family law, and a range of other miscellaneous matters. LAET represents low-income individuals and families, and currently has grant funding to represent victims of domestic violence, seniors, and patients at the McNabb Center without regard to their household income. To qualify for LAET's services, clients must be US citizens or otherwise in the country with proper documentation. Unfortunately, LAET doesn't have substantial funding to hire enough staff to assist every individual in need of legal help, and lawyers must make difficult decisions in determining which cases will be prioritized over others.

While LAET provides legal assistance for several issues, one of the highest volume of requests in Knox County comes from tenants at risk of eviction or housing instability. In November 2023, LAET received funding from the CARES Act to hire more lawyers and additional paralegals to help meet the need caused by an increase in eviction cases in Knox County. This funding has allowed LAET to hire 4 lawyers and 2 paralegals.

Since February 2024, when the LAET Eviction Prevention Program was fully staffed and opened their Eviction Prevention Program location, they have handled 443 eviction cases with a success rate of 90.48%. While 113 are ongoing—their outcome is unknown at this time—136 cases allowed individuals to remain in their homes, another 130 agreed to move out but were able to avoid an eviction on their rental history to ensure their housing

stability.²³ “Success” is measured by how many tenants avoid an eviction on their record, which is a non-expungable mark that limits tenants’ housing options for multiple years in the future.

HOW DOES LAET HELP?

LAET lawyers and paralegals play a vital role in the eviction court process in several ways. They essentially act as court navigators and legal interpreters for tenants, by explaining the procedures, helping tenants navigate the court process, and understand what resources and options are available to them. This function is not limited to their own clients – it expands to the 70-80% of tenants who are unrepresented on any given court date, as well. Importantly, LAET lawyers’ knowledge of the law and of procedure allows them to negotiate the best outcome for their client, while contributing to making the whole court process more efficient, transparent and fair for both parties. This sentiment was shared by lawyers representing landlords in Knox County, and a judge from the court. In one interview, Michael King, an attorney who represents many landlords, explained

“I think that Legal Aid being involved in the process, invariably helps. [F]or complicated evictions, I always want Legal Aid or some[one] on the other side. I’d rather go try that case than try to work my way through it with a tenant that’s not represented, because it’s not helpful for the landlord.”²⁴

²³ The numbers are from Legal Aid of East Tennessee, December 12, 2024.

²⁴ Interview with Michael King, Oct. 18, 2024.

As stated, LAET lawyers and paralegals play a number of roles throughout the eviction process. When tenants approach LAET, they go through an intake process to determine their financial eligibility and gather information about their legal issue. LAET lawyers then determine if and how they can provide representation to the tenant. For each case accepted, a lawyer must educate the tenant on the law and their rights and responsibilities to help guide them to the best solution based on the tenant's goals. Oftentimes, LAET lawyers will ask the court to reset the tenant's eviction court date so they can have more time to gather evidence and prepare a legal defense. While this prolongs the eviction process for the tenant, with representation, tenants have more time to seek solutions and understand their case with the guidance of their lawyer. Sometimes, tenants are able to move out before the reset court date, allowing their housing situation to remain stable, avoiding a judgment on their record, as well as avoiding homelessness. Most importantly, LAET is able to provide the best possible outcome to the tenant, while also ensuring that the court process moves smoothly, that both parties follow the law, and that the landlord's demands are also met.

LAET representation can help tenants receive a favorable outcome to their case. These include:

- Informing tenants of their rights to protect them from unscrupulous landlords who may have acted illegally against the tenant without their knowledge.
- Making sure tenants' rights are followed under the Uniform Residential Landlord and Tenant Act, so that they are not exploited, taken advantage of, or robbed of due process.
- Ensure that housing complexes that receive federal subsidies are following federal laws so they do not lose funding and Knoxville and Knox County do not lose affordable housing stock
- Ensuring that tenants' rights under the federal Fair Housing Act are followed, and that discriminatory practices are not overlooked.
- Helping tenants receive emergency rental assistance. This allows tenants to remain in their homes and allows the landlord to continue to receive rent, including any back

rent, attorney's fees, or court costs that the tenant owes.

- Helping tenants set up payment plans to avoid a judgment for money owed from negatively affecting their credit.
- Aiding tenants in remaining in their homes permanently or prolonging the time that they can remain before they vacate.
- Lowering the monetary amount the tenant owes the landlord.
- Keeping an eviction off the tenant's record.²⁵

In any situation, representation provides education and support that can serve tenants and their communities in the short and long term. However, the positive outcomes that LAET can accomplish are especially important given how the court works. A judge, even though they know the law, cannot present a legal defense for a landlord or a tenant. Therefore, if a tenant is being evicted without proper due process, or is being illegally charged fees over the statutory maximum, or any other situation that may arise, without advice, education, or representation from a lawyer, there is no way for a tenant to present this to the court. If the court does not hear any of these issues from a tenant, then a tenant may be evicted for reasons that are not permitted under Tennessee law. Before LAET's Eviction Prevention Program office opened, this happened often, as LAET is the only group of lawyers that represents tenants in eviction court in Knox County.

Not only can LAET prevent illegal evictions through their processes; they also aid the court and landlords in making the hectic eviction court a more seamless and fair place. The presence of LAET lawyers in the courtroom benefits all parties involved in terms of the process moving more smoothly and more equitably. These outcomes are all positive for the tenant, even if they are ultimately forced to relocate from their homes, because it provides information and transparency to a structure that is chaotic, confusing and traumatic. It benefits the landlords' lawyers and judges because it helps the process move

²⁵ An "eviction on your record" refers to a judgment for possession granted by the court. In Tennessee, an eviction remains on an individual's record indefinitely and affects credit health. In other States, it is possible for it to be removed off your record in two or three years.

more smoothly and efficiently, keeping lawyers and judges alike from being stuck in court for hours more on a given day, and it benefits landlords because, in many cases, they can work out a way to receive the back rent they are owed. When tenants are not represented, in most cases they are unable to pay back what they owe, and landlords, as well as the tenant's credit score, must take the loss. At the end of the day, LAET's intervention helps tenants and landlords alike learn their rights so that these processes are more efficient in any future cases they may have in eviction court.

At the same time, LAET also benefits Knoxville and Knox County because it potentially saves the city and county taxpayers money by mitigating some of the most dire and extreme outcomes of eviction.

These include:

- Homelessness
- Families doubling up to accommodate a family member who has experienced eviction
- Increased long-term housing and financial instability
- Loss of work and income
- Mental and physical health issues
- Drug use and addiction
- Family separations
- Absence from school or inability to go to school
- Death

THE DETAINER WARRANT

The detainer warrant is a document that officially begins the eviction process, representing a lawsuit being filed by a landlord against a tenant. Once a detainer warrant is received, the tenant is officially notified of the landlord's request to have the tenant vacate the property. In Knox County, detainer warrant is essentially a piece of paper organized as a triptych that

lawyers and judges use to document the trial proceedings of each eviction case. For tenants who do not have a lawyer to represent them, or who are unfamiliar with the eviction process, the detainer warrant contributes to more confusion and chaos. This often creates more confusion since it is difficult to read and decipher people's handwriting or what they intended to mark or say.

Once a detainer warrant matter is completed, the court clerk is charged with scanning it into Knox County's system for the public record. Until recently, it was impossible to access the detainer warrants except through landlord software that searches tenant rental history. Although it is now possible, detainer warrants are often incomplete or contain contradictory or missing information. This can affect tenant housing stability down the road, as most landlords will follow the detainer warrant rather than listening to a tenant or even their lawyer about how the case concluded. LAET knows this, and works diligently with landlords, their lawyers, and judges to ensure that the detainer warrant is crystal clear on the outcome of the case, so that a tenant isn't disadvantaged by a slip of the pen for years to come.

"They had it on our door, but I was in the hospital (after heart surgery). So one of our friends was house sitting because we had a cat. So, she saw it, and she called us while I was in the hospital. So, I had to, like, call them in the hospital. and say 'Hey, I'm not here. I'm in Nashville. I literally just had surgery.' And they were like 'Okay, we just need you to come to court!' I just had surgery. Hopefully I can be back. I mean, I had to beg my doctor to come early. I'm not even supposed to be out. But since I had court, I had to be here."
- Detainer warrant recipient

We are including pictures of anonymized detainer warrants to highlight what we consider is one example of the inefficiencies of the process.

HOUSING STABILITY AND TENANT ADVOCACY IN A CHANGING KNOXVILLE

"I got a note on my door. I was at work. I got a note on my door, and I didn't get home until like 12. So I called the number on my door."

- Detainer warrant recipient

State of Tennessee, County of Knox

To any Lawful Officer to Execute and Return:

Whereas, complaint is made to me by:

Plaintiff, [REDACTED]
[REDACTED]
[REDACTED]
whose phone number is: [REDACTED]
of a certain forcible and unlawful detainer by:
[REDACTED] Defendant in a
certain tract, lot, apartment, house or real estate
situated in the County aforesaid and bounded or
known and described as follows:

[REDACTED] Which
land the plaintiff alleges it is entitled the
POSSESSION of and the defendant unlawfully
detains.
We therefore command you to summon the defendant
to appear before the Court of
General Sessions of Knox County, Tennessee,
to be held at the courtroom of said court in
The Old Courthouse, 5th Sessions Court
300 Main Street, Room 331, Knoxville TN 37902
Knoxville:TN-37902 (P) 865-245-2518 to answer the
complaint and claims for RENT by the Plaintiff in the
amount of \$ under \$25,000.00 plus
contractual attorney fees, if any and court costs.

INTERLOCUTORY ORDERS (IF ANY)

[REDACTED]
Judge, Division

DOCKET NO. 91357 DT

Love Towers 3/7

Plaintiff VS

[REDACTED]

[REDACTED]

Defendant(s) and address for service

DETAINER WARRANT

Court of General Sessions

Clerk: CHARLES D. SUSANO III

Issued this 7th day of Dec 2022

Came to hand same day issued and executed

as commanded on:

[REDACTED]

And citing for trial on:

10 day of Sunday, 20 Dec 9:00 A.M.

Date Served 12-7-22

Copy of Warrant Posted on Door

Posted Dates 1 2 3

Copy of Warrant or Summons mailed via

First Class US Mail to the so named

defendant at the last known address

Craig Youngsberg

Sherriff/Process Server

Reset Reset

Attorney for Plt Jim Gore 865-546-7311

Attorney for Deft

Judge, Division

JUDGMENT

It is hereby ordered and adjudged:

That plaintiff be restored to the possession of
the within described property, for which a Writ
of Possession may issue, pursuant to the law and
court costs are adjudged against the defendant.

That plaintiff be restored to the possession of
within described property and a judgment for
\$ 1,096.57 for which a Writ of
Possession may issue and court costs are
adjudged against the defendant.

Dismissed cost to PLTF - DEFT

Nonsuit cost to PLTF - DEFT

Other *No execution for 30 days. JSD

DEFAULT

AGREED

TRIAL

This 12th day of January, 2023

[REDACTED]

DAMAGES:

DEFAULT AGREED TRIAL

This the day of , 20

Judge, Division

Detainer Warrant 1 - front

NOTICE

TO THE DEFENDANT(S):
Tennessee law provides a ten thousand
dollar (\$10,000.00) personal property
exemption from execution or seizure to
satisfy a judgment. If a judgment should
be entered against you in this action and
you wish to claim property as exempt, you
must file a written list, under oath, of the
items you wish to claim as exempt with the
clerk of the court. The list may be filed at
any time and may be changed by you
thereafter as necessary; however, unless it
is filed before the judgment becomes final,
it will not be effective as to any execution
or garnishment issued prior to the filing of
the list. Certain items are automatically
exempt by law and do not need to be
listed; these include items of necessary
wearing apparel (clothing) for yourself
and your family and trunks or other
receptacles necessary to contain such
apparel, family portraits,
the family Bible, and school books.
Should any of these items be seized, you
would have the right to recover them. If
you do not understand
Your exemption right or how to exercise
it, you may wish to seek the counsel of a
lawyer.

AFFIDAVIT

To the best of my information and belief, after
investigation of Defendant's employment, I
hereby make affidavit that the Defendant is/is not
a member of a military service.

LaContra Mills
ATTORNEY FOR PLAINTIFF OR PLAINTIFF

SWORN TO AND SUBSCRIBED BEFORE ME
This day of ,
20

Notary Public.

My term expires:

NOTICE

The American with Disabilities Act prohibits discrimination against any
qualified individual with a disability. The Tennessee Judicial Branch
does not permit discrimination against any individual on the basis of
physical or mental disability in accessing its judicial programs. In
accordance with the Americans with Disabilities Act, if necessary, the
Tennessee Judicial Branch will provide reasonable modifications in
order to access all of its programs, services and activities to qualified
individuals with disabilities.

If you need assistance, have questions or need additional information,
please contact the Local Judicial Program ADA Coordinator:

Knox County Human Resources Office
City-County Building Suite
400 Main Street, Suite 360
Knoxville, Tennessee 37902
Voice Phone:865-215-2952 TTY:865-215-2497

The Tennessee Judicial Branch Americans with
Disabilities Act Regarding Access to Judicial Programs, as
Well as a Request for Modification form may be found
online at www.tsc.state.tn.us.

APPEAL

From the judgment on the reverse hereof, the
prayed an appeal.

To the Circuit Court which is granted upon
Pauper's Oath or Appeal Bond.

This day of
20

Judge of the Court of General Sessions

Division No

If you require a modification to access the judicial program and/or
have special needs because of a qualified disability, you must submit a
written Request for Modification to the Local Judicial Program ADA
Coordinator listed below at least five (5) business days prior to the
date of the judicial program, if possible. A form is available from the
Local Judicial Program ADA Coordinator or from the Tennessee
Judicial Program ADA Coordinator. <http://www.tsc.state.tn.us>

If you need assistance, have questions or need additional information,
you may also contact the Tennessee Judicial Program ADA
Coordinator:

Pamela Taylor, Manager/Coordinator
STATE Judicial ADA Program
Administrative Office of the Courts
Nashville City Center, Suite 600, 511 Union Street
Nashville, Tennessee 37219
615-741-2687 Fax: 615-741-6285

ADA
FOR ASSISTANCE CALL
865 / 215-3641
Elizabeth.Coleman@knoxcounty.org

Detainer Warrant 1 - back

HOUSING STABILITY AND TENANT ADVOCACY IN A CHANGING KNOXVILLE

"I asked him. He didn't really explain. He said, just be at court on the date that it says. That was all."

- Detainer warrant recipient

Crystal Whitaker to Serve
DETAINDER WARRANT

STATE OF TENNESSEE
COUNTY OF KNOX

To the Sheriff or other lawful officer of said county:

Whereas, complaint is made to me by _____

Plaintiff(s) address & phone # _____

of a certain forcible and unlawful entry and detainer by _____

in a certain tract, lot, apartment, house or real estate situated in the county aforesaid and bounded or known and described as follows:

Knoxville, TN 37923

Which land the plaintiff(s) alleges it is entitled the POSSESSION of and the defendant(s) unlawfully detains.

We therefore command you to summon the defendant(s) to appear before the Court of General Sessions of Knox County, Tennessee, to be held at the courtroom of said court in The Old Courthouse, 5th Sessions Court, 300 Main Street, Room 331, Knoxville TN 37902, (P) 865-215-2518, to answer the complaint and claims for RENT by plaintiff(s) in the amount of \$ (under \$25,000.00), plus contractual attorney fees, if any, and court costs.

INTERLOCUTORY ORDERS (IF ANY)

Date: 2-2-23
Judge of Division: _____

NO. 96708 BT

Plaintiff(s) _____ VS. Defendant(s) _____

Address: _____

DETAINDER WARRANT
Court of General Sessions
Clerk: CHARLES D. SUSANO, III

Issued this 13 day of January, 2023.

Came to hand same day issued and executed as commanded on: _____

and citing for trial on the 31st day of January, 2023 at 9:00 a.m.

Date Served 24 January 2023 5:00p

Copy of Warrant Posted on Door

Posted Dates 1/20/23 2/12/23 3/12/23

Copy of Warrant or Summons mailed via First Class U.S. Mail to the so named defendant(s) at last known address.

This 25 day of January, 2023

Crystal Whitaker - Sheriff

Reset for 2123

Reset for _____

Dean T. Howell (#022130); Phone (865) 215-1000
Attorney for Plaintiff(s)

CRYSTAL WHITAKER
P.O. BOX 1741
CLINTON, TN 37717
865-659-5730
Attorney for Defendant(s)

JUDGMENT

It is hereby ordered and adjudged:

That plaintiff(s) be restored to the possession of the within described property for which a writ of possession may issue, pursuant to the law and court costs are adjudged against the defendant(s).

That plaintiff(s) be restored to the possession of the within described property and a judgment for \$ 1851.00 for which a writ of possession may issue and court costs are adjudged against the defendant(s).

Dismissed-cost taxed against PLTF - DEFT

Nonsuit-cost taxed against PLTF - DEFT

Other: _____

DEFAULT - Bailey
AGREED - WOODK WBS7
TRIAL

This the 31 day of January, 2023.

Judge _____

DAMAGES: DEFAULT - 500.00
AGREED - 10.00
TRIAL

This the 21 day of FEB, 2023.

Judge _____

Detainer Warrant 2 - front

NOTICE TO THE DEFENDANT(S)

Tennessee law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

MILITARY AFFIDAVIT

The undersigned does solemnly swear that the defendant(s) is not in the armed forces of the U.S.A., according to the best of his/her knowledge and belief.

Sworn and subscribed to before me this _____ day of _____, 2023.

CHARLES D. SUSANO, III
General Sessions Court Clerk

By: _____, D.C.

BOND

The undersigned Principal and Surety do hereby bind themselves, their heirs and assigns, to the defendant(s), in the penal sum of Fifty Dollars, conditioned to pay all costs and damages which shall accrue to said defendant(s) for the wrongful prosecution of this suit.

This the 13 day of January, 2023.

Dean T. Howell
Principal

Dean T. Howell
Surety

****NOTICE****

The American with Disabilities Act prohibits discrimination against any qualified individual with a disability. The Tennessee Judicial Branch does not permit discrimination against any individual on the basis of physical or mental disability in accessing its judicial programs. In accordance with the Americans with Disabilities Act, if necessary, the Tennessee Judicial Branch will provide reasonable modifications in order to access all of its programs, services and activities to qualified individuals with disabilities.

If you need assistance, have questions or need additional information, please contact the Local Judicial Program ADA Coordinator:

Pat Carson, Compliance Officer
Knox County Human Resources Office
Suite 360 City-County Building
400 Main Street, Knoxville, Tennessee 37902
Voice Phone: 215-2952 TTY: 215-2497

The Tennessee Judicial Branch Americans with Disabilities Act Regarding Access to Judicial Programs, as Well as a Request for Modification form may be found Online at www.tsc.state.tn.us

If you require a modification to access the judicial program and/or have special needs because of a qualified disability, you must submit a written Request for Modification to the Local Judicial Program ADA Coordinator listed below at least five (5) business days prior to the date of the judicial program, if possible. A form is available from the Local Judicial Program ADA Coordinator or from the Tennessee Judicial Program ADA Coordinator. <http://www.tsc.state.tn.us>

If you need assistance, have questions or need additional information, you may also contact the Tennessee Judicial Program ADA Coordinator:

Pamela Taylor, Manager/Coordinator
STATE Judicial ADA Program
Administrative Office of the Courts
Nashville City Center, Suite 600, 511 Union Street
Nashville, Tennessee 37219
615-741-2687 Fax: 615-741-6285

APPEAL

From the judgment on the reverse side, the _____

prayed an appeal to the Circuit Court which is granted upon Pauper's Oath or Appeal Bond.

This _____ day of _____, 2023.

Total cost of Appeal \$ _____

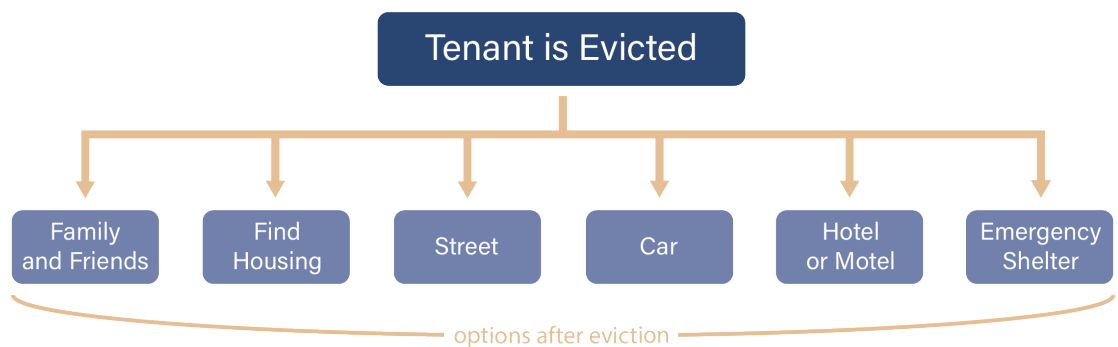
Paid by the PTL: \$ _____

Judge of Division _____ of the Court of General Sessions

FOR ASSISTANCE CALL
865 / 215-3641
Elizabeth.Golem@knoxcountytsc.com

Detainer Warrant 2 - back

AFTER EVICTION



There are very few immediate resources available to tenants after they have been evicted. While there are multiple agencies that provide limited support to homeless families and individuals, the main agency able to provide overnight emergency shelter services in the area is Knox Area Rescue Ministries (KARM). KARM provides individuals with food, shelter, and medical services to meet the needs of homelessness as best it can. The mission has a total of 306 emergency beds, which, according to Andrew Church, KARM's vice president of programs, have steadily been at 100% capacity throughout the year. KARM is a faith-based organization, which can sometimes be one of the many access barriers to people who need shelter.

The scale of need that they are trying to meet is nearly unmanageable. “There are few agencies we have visited that resemble the need we meet in Knoxville,” said Church when we interviewed him over zoom, “the level of care we have to meet most resembles agencies we have visited in cities like Los Angeles and Denver.”²⁶ Not only does KARM not have the capacity to provide more support due to size and resources, but there are other barriers to seeking their services, such as disability and family size.²⁷

KARM does not offer disability services nor does it offer shelter for families. There is a shelter for victims of domestic violence and another for the elderly, but **nowhere in Knoxville are there sufficient emergency shelter services for families who have**

been evicted or who are experiencing homelessness. When families are evicted they have few options where they can go. Family Promise of Knoxville²⁸ has a program that can place families in temporary shelters, but they rely on congregations and organizations with space in their buildings. These spaces are not always readily available, and often families are unaware of this program. Other options for families are couchsurfing with family and friends, motels, and their cars. At that point, parents run the risk of Department of Child Services (DCS) taking their children from them due to their inability to provide stable shelter to their children.

Knoxville offers different kinds of affordable housing support for low-income residents and those in conditions of homelessness. These include Section 8, Project-Based Vouchers, and Permanent Supportive Housing but these stable housing options have specific requirements and long waiting lists. If one has an eviction on their record, they are ineligible for federally funded housing for at least three years.

For example, Knoxville's Community Development Corporation, KCDC, is the primary agency that offers affordable subsidized housing. KCDC properties are not only the most affordable low barrier housing options but they also provide rental assistance support through their properties. KCDC housing is likely most feasible for those experiencing homelessness, poverty, and other types of housing precarity. However, all properties listed on KCDC's website have long waiting lists from 3 months to 2+ years. Many are exclusively for the elderly and the disabled and there are few units with more than two bedrooms.²⁹ Without more resources and a severe lack of low-cost housing, can lead to an increased risk of chronic homelessness with long-term dire consequences for families and children.

²⁶ The homeless populations in Los Angeles and Denver are some of the highest in the country. Los Angeles has a homeless population of 75,312. Denver has the 10th highest homeless population with approximately 10,000 people. Knox County's current homeless population equals 2,021 (Source: KnoxHMIS).

²⁷ As a faith-based institution KARM does not receive federal funding which could potentially help to expand its services.

²⁸ Family Promise of Knoxville. <https://www.familypromiseknoxville.org/>.

²⁹ <https://www.kcdc.org/wp-content/uploads/2024/10/Estimated-Wait-Times-for-KCDC-Properties.pdf>

THE LEGAL LANDSCAPE OF EVICTIONS

INTRODUCTION

Evictions are a legal mechanism that landlords use to remove a tenant from their property. Each state determines its own eviction procedures, laws, and timeframes, though common legal principles and contract law themes can be seen in each state's statutory scheme.³⁰ Tennessee is considered a landlord-friendly state. The ability to charge any price, freely set lease terms, and rapidly evict tenants are a few privileges landlords enjoy. Due to the nature of increasing rent amid Knoxville and Knox County's population boom over the past four years, one of the main reasons that evictions occur is due to the tenant's nonpayment of rent.

Tennessee has two central bodies of law that govern tenant-landlord relations. The first is the Uniform Residential Landlord and Tenant Act (URLTA). The second is a series of statutes referred to as "common law," which govern all other counties in the state. In Knox County, URLTA applies.

Both these bodies of law incorporate common legal principles of fairness and treat the lease as an enforceable contract between the tenant and the landlord. However, without knowledge of the law through legal representation, tenants are always at a disadvantage in an eviction trial. Michael King, a lawyer serving East Tennessee in civil litigation and landlord and tenant cases, emphasizes how difficult it can be for tenants without legal representation,

“Typically when I’m doing something without a lawyer, [the tenants] do not understand the law... and there’s a decent percentage where I’ll have someone that’s not represented attempt to tell me what the law is and it’s not what the law is. And they don’t want to hear that.”

In contrast, having an advocate who understands the legal framework makes a significant difference. As King explains,

“The most important thing is you’ve got someone that’s now advocating for a tenant that has an understanding of the law... communication is a heck of a lot easier.”³¹

Uniform Residential Landlord and Tenant Act (URLTA)

First introduced in 1972 by the National Conference of Commissioners on Uniform State Laws, the Uniform Residential Landlord and Tenant Act (URLTA) is a model act that provides states with a framework for their landlord-tenant laws. Since it was first introduced, it has been passed in approximately twenty-six states, including Tennessee. According to Tennessee Code Annotated (“T.C.A.”) § 66-28-103, the underlying purpose of the act is to “(1) Simplify, clarify, modernize and revise the law governing the rental of dwelling units and the rights and obligations of landlord and tenant; (2) Encourage landlord and tenant to maintain and improve the quality of housing; (3) Promote equal protection to

³⁰ Common law refers to a body of unwritten laws based on court precedents, institutionalized opinions, and public jury interpretations. Contract Law refers to the law that governs legally enforceable agreements, or contracts.

³¹ Interview with Michael King, October 18, 2024

all parties, and (4) Make uniform the law in Tennessee.” However, URLTA does not apply in every county in Tennessee. URLTA only applies in counties that has a population of seventy-five thousand or more according to the 2010 federal census. Tenn. Code Ann. § 66-28-102(a). As a result, only 19 of Tennessee’s 95 counties are currently covered by URLTA.

URLTA KEY PROVISIONS

URLTA provides minimum protections for tenants. The three biggest protections are found in Tenn. Code. Ann. § 66-28-301, which specifies when a landlord must return security deposits, Tenn. Code. Ann. § 66-28-304, which specifies that the landlord must adequately maintain the property, and Tenn. Code. Ann. § 66-28-501, which specifies that a landlord may not fail to supply essential services, like water and electricity. These three statutes offer tenants some assurances regarding protections, refunds, and the quality of the property. In this section, we briefly discuss these protections and the rights and responsibilities they grant tenants and landlords.

Security Deposits

One of the significant tenant rights under URLTA deals with security deposits. A landlord who requires a security deposit before the tenant moves in must keep it in a bank account that is specifically used for security deposits. Tenn. Code Ann. § 66-28-301(a). If it is not, the landlord will not be allowed to keep it or apply it to any alleged damages or rent at move-out. Tenn. Code Ann. § 66-28-301(c). Landlords are also required by law to return the security deposit to the tenant once they have moved out. However, a landlord can apply the security deposit to any unpaid rent due Tenn. Code Ann. § 66-28-301(e) and/or any damages beyond normal wear and tear made to the property during tenancy.

In most situations, a tenant has the right to inspect the property with the landlord to see what damages are being claimed against their security deposit. Tenn. Code Ann. § 66-28-301(b). Upon the landlord’s termination of the rental agreement, or within five days after the tenant’s termination of the rental agreement, the landlord can choose to inform the

tenant about their right to be at the apartment inspection—however, they are not obligated to notify the tenant. Tenn. Code Ann. § 66-28-301(b)(1)(A). The tenant can also request their right to mutual inspection of the property with the landlord. Tenn. Code Ann. § 66-28-301(b)(1)(A)-(B). The inspection must occur within four days of the tenant's move-out from the property. *Id.* Tenants can lose the right to inspect the premises if they (1) left without written notice; (2) abandoned the premises; (3) were removed from the premises judicially; (4) did not respond to the landlord after being told of their right to mutual inspection; (5) did not go to the mutual inspection; or (6) they never requested the mutual inspection. Tenn. Code Ann. § 66-28-301(b)(1)(A)(B).

Either way, the landlord and tenant can both inspect the property and write out a list of any damages that will be charged against the security deposit. *Id.* If the list is signed by both parties, that will constitute conclusive evidence that both parties agree that it is accurate. *Id.* If the tenant does not sign the list, they may state their reasons or objections in writing. *Id.* If the landlord will not remove the charges in question, the tenant can then bring suit in circuit or general sessions court to contest the damages. Tenn. Code Ann. § 66-28-301(d). In addition, the landlord may recover any contractual damages plus the cost of any additional physical damages not discovered at the original inspection so long as it is done thirty days after the tenant vacates or seven days after a new tenant takes possession. Tenn. Code Ann. § 66-28-301(g). In most cases, the landlord does not notify the tenant of their right to mutual inspection of the property, and the tenant is usually unaware this right exists.

If the tenant leaves with no rent owed and a refund due, the landlord must notify the tenant of the refund. Tenn. Code Ann. § 66-28-301(f). The tenant then has sixty days to respond before the landlord can keep the security deposit. *Id.* Many landlords do not return the refund to tenants however, and tenants don't always feel they are in a position to challenge the landlord.

Landlord/Tenant Maintenance of Property

Both landlords and tenants have specific requirements for maintaining a rented property. The landlord is responsible for (1) complying with the applicable building and housing codes; (2) making repairs and doing whatever is required to keep the premises in a fit and habitable condition; (3) keeping common areas in a clean and safe condition; and (4) in complexes with four or more units, providing and maintaining containers for the removal of ashes, garbage, and waste. Tenn. Code Ann. § 66-28-304(a).

**“I have a problem with the water bill. There’s a leak in there, but it’s not in my apartment. And it goes for 7 to 14 gallons an hour. So, I have a very, very high bill.”
- Anonymous Tenant**

The tenant is responsible for: (1) complying with all applicable building and housing code provisions; (2) keeping their part of the property in as clean and safe a condition as when the tenant took possession; (3) disposing of ashes, garbage, and other waste into receptacles; (4) not deliberately or negligently destroying, defacing, damaging, impairing, or removing any part of the property or engaging in any illegal activities on the property; or (5) disturbing the tenant’s neighbors’ peaceful enjoyment of the premises. Tenn. Code Ann. § 66-28-401.

**“I always pay rent. I haven’t owed him a penny, you know, all right cause I ask them to come and fix a broken stove that broke down within the first year. I’m still cooking on a broken stove. A dishwasher broke down. I fixed it myself... My door is still slanted. I have tape and so I have to put a towel on the floor because if it rains, I could slip or one of my kids could slip.”
- Anonymous Tenant**

A tenant may recover damages, obtain injunctive relief, and reasonable attorney's fees for any landlord noncompliance with the rental agreement or any violation of URLTA upon giving fourteen days written notice. Tenn. Code Ann. § 66-28-501(a). If the rental agreement is terminated for noncompliance after 14 days, the landlord must return all prepaid rent and security deposits. Tenn. Code Ann. § 66-28-501(b).

A landlord may never recover possession of a dwelling by purposefully diminishing services to the tenant by interrupting electric, gas, water, or other essential services except in the case of abandonment. Tenn. Code Ann. § 66-28-511. If the landlord deliberately or negligently fails to supply essential services, including gas, heat, electricity, and any other obligations that materially affect the health and safety of the tenant, the tenant must first give written notice to the landlord specifying the breach, then may choose to either (A) get those essential services elsewhere and deduct their actual reasonable costs from the rent; (B) recover damages based on the diminished fair rental value of the dwelling (provided they continue to live in the dwelling); or (C) procure reasonable substitute housing and be excused from paying rent for the meantime. Tenn. Code Ann. § 66-28-502. If option C is chosen, the tenant may also recover the actual and reasonable value of the substitute housing. Tenn. Code Ann. § 66-28-502(2). These rights do not arise until the tenant has given written notice to the landlord and has shown the conditions were not deliberately or negligently caused by the tenant. Tenn. Code Ann. § 66-28-502(c).

On the other hand, if the tenant does not materially comply with the agreement, endangers the health and safety of others, or poses a risk of substantial harm to the property, the landlord may deliver a written notice to the tenant specifying what has constituted a breach and terminate the agreement as a result. Tenn. Code Ann. § 66-28-505(a)(1).

If the tenant waives notice of non-payment of rent in a URLTA county, the landlord may proceed to file a detainer warrant immediately for breach of the agreement for non-payment. Tenn. Code Ann. § 66-28-505(b). If payment can remedy the breach, the landlord

may inform the tenant that the rental agreement will end if it is not fixed within fourteen days. Tenn. Code Ann. § 66-28-505(2). However, this “cure period” is not required. If a breach is remedied but happens again in the future, the landlord can terminate the rental agreement upon seven days’ written notice. Tenn. Code Ann. § 66-28-505(2)(B). If the breach cannot be remedied with payment, the landlord may inform the tenant that the rental agreement will end in fourteen days, without an opportunity to cure the breach. Tenn. Code Ann. § 66-28-505(3).

If a tenant breaches or otherwise is in noncompliance with the lease agreement, a landlord may also recover damages, injunctive relief, and reasonable attorney fees. Tenn. Code Ann. § 66-28-505(d). The landlord may also be entitled to punitive damages from the tenant for willful destruction of property. Tenn. Code Ann. § 66-28-505(e).

Retaliation and Duty of Good Faith

URLTA also includes a provision to anticipate any retaliation or exploitation of tenants by landlords. It stipulates that a landlord may not retaliate by increasing rent, decreasing services, or bringing/threatening to bring an action for possession because the tenant complained of a violation of § 66-28-301, the security deposit statute, or has used any other remedy provided by URLTA. Tenn. Code Ann. § 66-28-514(a). Lastly, every duty and every act under URLTA must be performed in good faith. Tenn. Code Ann. § 66-28-516. “Good faith” is a condition precedent to a landlord or tenant’s ability to seek remedies under URLTA. *Id.*

A tenant worked out a handshake agreement to pay the deductible to fix something they had damaged in the driveway. They agreed, and two days later the landlord sued him.

**“And he put that we owed him \$3000 in rent, when come to find out, he just wanted us to pay his deductible.”
- Anonymous Tenant**

Conclusion

In theory, URLTA protects both tenants and landlords. Regardless of where URLTA places both parties in relation to the law, in reality tenants are often much more vulnerable and simply less knowledgeable and less financially stable than their landlords to ensure legal protection. This is particularly important because although these few legal protections are available to tenants, in practice, they are often not enforced. In many cases tenants are either unaware or unable to challenge a landlord who has both the financial and legal capacity to use the law in their favor, even if the tenant's protections may trump the landlord's.

In other states, tenants can withhold rent as a form of negotiation in certain cases, such as when their residence is in an uninhabitable state due to leaks, mold, or other issues. In Tennessee, tenants are not afforded this same right, and the onus is on them to prove that the landlord has acted in bad faith after they endure less than habitable conditions. For tenants who are already restricted by rental prices or poor credit, their ability to seek legal counsel or to negotiate with the landlord is severely limited. While statutes allow tenants to seek alternative housing in these situations, some tenants, such as those relying on income-based housing, cannot afford hotels or any other "alternative" housing options, and are forced to suffer through poor conditions as a result. Landlords, on the other hand, can use these same restrictions to their advantage to simply terminate a tenant's lease agreement instead of making the repair, then turn around and re-rent the unit to somebody else.

As a result, when landlords violate the law, rarely do tenants use legal recourse, because they know that if they do, they might have to relocate, and if so, that they may not be able to find another affordable place to live. Similarly, a lack of knowledge regarding the laws or what services are available also plays an important role. The high percentage of tenants in eviction court without representation and the high numbers of rulings against tenants are examples of the ways in which the law does not protect tenants. As one judge explained,

“My gut instinct is to go to the lack of information that they have, and lack of awareness of what their rights are. And that’s why having Legal Aid of East Tennessee really levels the playing field for those folks quite a bit.”³²
- Judge Cerny

When Legal Aid of East Tennessee can represent these otherwise pro se³³ tenants in the eviction process, it puts them on a more equal playing field with landlords and lawyers who are in eviction court every week. Having LAET on their side is not a form of special treatment for tenants, it is simply ensuring them the same courtesy in a situation with the potential for a very impactful outcome by ensuring that the law is enforced as it was intended by the legislature. This is the goal of our justice system and the reason why continual funding of Legal Aid of East Tennessee is so important.

STATUTORY SCHEME OF EVICTION PROCESS

How does one get evicted in Tennessee for non-payment of rent³⁴, and how does Tennessee’s process compare to other states? An eviction in Knoxville will look something like this:

Rent is due

URLTA also stipulates how and when rent will be paid and what happens if a tenant does not pay rent accordingly. Unless otherwise agreed, rent is payable at the beginning of each month. Tenn. Code Ann. § 66-28-201(c). In URLTA counties, a tenant has a window of 5 days from and including the “due date” to pay rent before the landlord can seek any legal remedy against them. Tenn. Code Ann. § 66-28-201(d). However, if the rent is not paid on the next business day after the 5 day grace period, a late fee may be charged, which may not exceed ten percent of the rent owed for that month. Id.

To preserve their right to terminate the lease or hold the tenant accountable for late payment, once rent is 5 days past due, the landlord must deliver a “notice to pay” to the tenant, explaining that the tenant has breached their lease for non-payment. The landlord has the option to afford a tenant 14 days to pay their rent and “cure” the breach to avoid termination (or 7 days if this is their second notice within six months). However, URLTA does not require the right to cure to be afforded to tenants. If a right to cure is afforded and the tenant doesn’t pay within the time allotted, their lease terminates. URLTA, § 66-28-505(a)(1-2); Tenn. Code Ann. § 66-28-505. If no right to cure is afforded, the landlord may terminate tenancy via notice immediately after the 5-day cure period ends.

**“We were paying \$900 and that was okay. And they wanted to bump it up to \$1500, that’s crazy! I couldn’t pay that and take care of a kid. Like, I was a server, making \$10 plus tips.”
- Anonymous Tenant**

The only time that these notice requirements do not apply to non-payment of rent is if the landlord has properly listed a term in the lease agreement in at least 12-point, bolded font stating that the tenant expressly waives their right to receive notice of non-payment of rent. Tenn. Code Ann. § 66-28-505(b). In that case, the landlord can file a detainer warrant immediately after the 5 day cure period ends.

**When asking a tenant about finding a new place to keep his daughter in the same district he said, “Everything I’m finding around here is ridiculous, is like \$2000 or \$2100, compared to the \$1400 right now.”
- Anonymous Tenant**

³² Interview with Judge Chuck Cerny. November, 2024.

³³ “Pro se” means unrepresented by a lawyer in court.

³⁴ This report focuses on cases of non-payment of rent because they make up the majority of cases. Increasingly however, landlords are using behavioral evictions for he said/she said situations without any proof, and in which tenants cannot prove their innocence to a legal standard or show that the Plaintiff has not met their burden without a lawyer. Tenants often get evicted for behaviors related to disabilities, which is a violation of the federal Fair Housing Act.

Filing

Once 14 days have passed, the landlord can now file a forcible entry and detainer or unlawful detainer action (both colloquially known as an “eviction filing,” “eviction complaint,” or “detainer warrant”) with the court that has jurisdiction. For Knoxville and Knox County, this is the Knox County General Sessions Court or the Knox County Circuit Court. Tenn. Code Ann. § 29-18-107. The purpose of this action is to formally begin evicting the tenant with whom the lease has now been terminated by asking the court to grant the sole right to possession of the property back to the landlord and take the right of possession of the property away from the tenant.

Summons

After a landlord files a detainer warrant at the County Clerk’s office, the Sheriff’s Department or a private process server seek out the tenant to serve them with the court summons. Tenn. Code Ann. § 29-18-115. “Serving” is a legal procedure done by the court to ensure a defendant’s procedural due process rights have been protected by formally notifying a defendant that a legal action has been initiated against them. A court summons includes the time, date, and location of the court hearing for the case in question. However, they do not provide much else – including the reason for eviction. Pursuant to an individual’s constitutional rights, notice must be “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and allow them to present their objections.”³⁵

Connecticut and Georgia are examples of states that follow the majority view to allow a window of time for a tenant to respond before a trial date is set formally. Additionally, Tennessee is unique in that there is no set time window for the summons to be served after the landlord files the action with the court. Many other states set a window of a minimum of ten days and a maximum of thirty days between filing and summons. In Knox County, the local rules mandate that the summons can be served until five days before the court date is set, which leaves tenants with just two business days to respond or call the court for more information³⁶

In Tennessee, the general rule is that an adult residing at the property must be personally served within six days of the trial. However, several exceptions may permit affixing the notice to the dwelling door between 6 and 15 days before the trial (Tenn. Code Ann. § 29-18-115). The tenant is then expected to promptly “appear and make a defense” at trial. At this point, the judge can postpone the trial at either party’s request. Recently, in July 2024, the State Senate passed a law to decrease the amount of time that a judge is allowed to postpone a trial from 14 to 7 days. Tenn. Code Ann. § 29-18-118. As a result, **Tennessee is now the state with the shortest statutory time frame for delaying an eviction trial.** This disadvantages many tenants who may need to give notice to take off work, may need to take time to get a lawyer, whose lawyers have conflicts with the new date but need more time to prepare to be ethically competent enough to handle the case, or for tenants who have other obligations such as doctor’s appointments, or hearings or meetings for government benefits that cannot be rescheduled and take months for availability to come up.

Trial

At the Knox County Court, there are three judges who each preside over eviction court. The presiding judge will serve their turn on the rotation schedule they share with the other two general session judges. Although the Tennessee code refers to the appearance before a judge for an eviction as a “trial,” the reality in Knoxville is that the trial is usually just a brief iteration of facts by the landlord’s attorney to the judge. Although contested trials, which happen at the end of a day’s docket, can take hours, we were able to time the majority of cases in which the tenant is not represented by a lawyer. We calculated that the average time for an eviction proceeding is approximately six minutes. If the tenant is not present, the proceeding average drops to two or two and a half minutes.³⁷

³⁵ <https://supreme.justia.com/cases/federal/us/339/306/> accessed: Jan. 3, 2024.

³⁶ Rule 9: <https://knoxcounty.org/gsjudges/pdfs/courtrules.pdf>.

³⁷ These numbers are approximations based on weekly court ethnographies - we observed court proceedings over a period of four-five weeks. Trials in which the tenant and landlord are represented can last much longer and take place at the end of the day.

“I had went upstairs. I stood there for a while not knowing I was supposed to go down into the courtroom, because I seen all the people standing right there. So then once I got into the courtroom they told me to go back out, you know, into like the open. So I don’t know, it was just kind of confusing.”



Several outcomes can happen at trial depending on the landlord and tenant’s presence and their willingness to reach an agreement in the minutes before they stand in front of the judge. If the tenant does not appear at the court for the trial, the court usually issues a ruling of possession by default. This means that the landlord can take custody of the unit. For the tenant, this means that they must leave the property in ten days and they have an eviction on their record.

When a judgment for possession is entered, the tenant has ten days to move out of the unit. After ten days, the landlord may execute a Writ of Possession against the tenant, in which the Sheriff’s Office aids the landlord in ensuring that the tenant is removed from the property. Usually landlords hire moving companies and locksmiths to be present at this time as well, so that the tenant’s items can be removed to the curb, and the locks can be changed, ensuring that the tenant can no longer access the unit.

The landlord doesn’t have any right to enter until the writ has been executed by the

Sheriff's Office. Additionally, the tenant continues to owe rent until they officially move out. If the judgement is entered by default, the court costs are assessed to them. This goes on their record, which can bar them from doing things like getting their driver's license reinstated, as well as filing lawsuits under the pauper's oath (if they cannot afford the filing fee) until the tenant pays their debts.

If the judge rules in the landlord's favor by entering a judgment against the tenant, then the court will issue a Writ of Possession after the case's 10 day appeal period expires. (TN Code § 29-18-123, § 29-18-126). A writ of possession is a court order that allows law enforcement to physically remove someone from property in order to give possession to the rightful owner. Another hearing is often set for a later date to discuss fees such as court costs and property damages. (TN Code § 29-18-125).

Possession and Appeal

The tenant has 10 days after judgment to vacate the premises. After 10 days, the landlord can request that the Sheriff execute the Writ of Possession, giving them the authority to forcibly remove the tenant, effective immediately, with no statutory final notice period. (TN Code § 29-18-130(a)). If the tenant's belongings are still in the property, the landlord usually hires a moving company to accompany the Sheriff to the property, who will remove everything and put it on the side of the road, the lawn, or leave it in the unit for up to 48 hours before the landlord can throw out any belongings left. (TN Code § 29-18-127(b-d)).

After the ruling, the tenant also has up to ten days to file an appeal. Tenn. Code Ann. § 29-18-128. According to a new law passed in the summer of 2024, to appeal, the tenant must pay one year's worth of rent, whether that be via bond, cash, bank letter, or two personal sureties, into the court. This must happen within 10 days of the ruling, with no wiggle room in the law for the judge to rule otherwise based on the circumstances. Tenn. Code Ann. § 29-18-130. Of course, it goes without saying that the majority—if not all—tenants in an eviction trial do not have a year's worth of rent to put up, even if they are being evicted for reasons other than non-payment of rent. If they did, they would probably not be experiencing

eviction in the first place.

Another example, and perhaps the most insidious part of the eviction statutory scheme, is a tenant's inability to remove an eviction judgment or detainer warrant filing from their record. Tennessee remains unique among U.S. states, in that it does not permit tenants to expunge eviction records - "only certain criminal records."³⁸ To date, there are currently 12 states, including Washington D.C., that have implemented programs focused on the sealing or expungement of eviction records.³⁹ According to the Fair Credit Reporting Act, which is responsible for the duration of an eviction on a tenant's record, eviction court cases are typically on a tenant's screening record for up to seven years.⁴⁰ The general purpose of these expungement programs is to help mitigate the negative effects of eviction records for tenants - of which there are many.

A main negative effect is the inability to rent an apartment. Many landlords will not rent to tenants with eviction judgments on their records. Even if a tenant goes to court and wins a trial, so they are not evicted, the fact that a detainer warrant was filed against them in the first place can also bar tenants from finding private landlords that will rent to them. Similarly, it is more difficult to be approved for federal programs like vouchers and public housing with an eviction judgment in your rental history. Many folks who have been evicted are forced to search for some kind of rental arrangement in which they do not have to provide their rental history or a credit report, or in some cases, even sign a lease. This leaves them even more vulnerable, paying higher prices for run-down units and few if any protections.

These laws illustrate and reinforce the increasingly punitive nature of eviction laws and housing protections in Tennessee, and the ways in which they are designed to limit tenants' rights and livelihoods.

Conclusion

In analyzing Tennessee housing laws and the eviction process, it is evident that, while providing some protections to tenants, the laws tilt towards the protections and interests of

landlords, granting property owners the upper hand over renters. With few protections, and in a context of rising rent prices, limited legal and social resources, and lack of knowledge or understanding of the law, tenants face extremely difficult challenges under which they do not have the knowledge or the social or financial capital to confront alone.

As Matthew Desmond notes in *Evicted* (2015), “Eviction is not just a condition of poverty; it is the cause of it.”⁴¹ This insight is crucial for understanding how eviction contributes to a cycle of instability and hardship, stripping families of housing and economic opportunity. For this reason, states like California, Connecticut, and New York have implemented right-to-counsel programs that protect tenants, and more conservative states like Kansas have funded legal support for tenants. These programs have proven to be effective in reducing eviction rates.⁴²

According to the American Civil Liberties Union, 84% of represented tenants facing eviction remain in their homes.⁴³ This suggests that despite the laws that favor landlord interests, programs like Legal Aid of East Tennessee can help to level the playing field in court, while offering short and possibly long-term solutions to eviction and housing instability. Adopting these practices can help to break the cycle of poverty resulting from eviction, fostering a more resilient Tennessee for all.

³⁸ “Updated Expungement Information Coming Soon to Reflect Changes to T.C.A. §40-32-101 | Tennessee Administrative Office of the Courts.” 2015. Tncourts.gov. 2015.

³⁹ Hussein, N. (2023). “Eviction Record Sealing and Expungement.” National Low Income Housing Coalition. https://nlihc.org/sites/default/files/AG-2024/7-2_Eviction-Record-Sealing-and-Expungement.pdf.

⁴⁰ “How Long Can Information, like Eviction Actions and Lawsuits, Stay on My Tenant Screening Record?” 2021. Consumer Financial Protection Bureau. July 1, 2021. <https://www.consumerfinance.gov/ask-cfpb/how-long-can-information-like-eviction-actions-and-lawsuits-stay-on-my-tenant-screening-record-en-2104/>.

⁴¹ Desmond, M. (2015). *Evicted: Poverty and Profit in the American City*. New York: Crown.

⁴² Universal Access to Legal Services a Report on Year Four of Implementation in New York City.” 2021. New York City Human Resources Administration: Office of Civil Justice. https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2021.pdf.

⁴³ Universal Access to Legal Services a Report on Year Four of Implementation in New York City.” 2021. New York City Human Resources Administration: Office of Civil Justice. https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2021.pdf.

ESTIMATED FISCAL IMPACTS OF DISRUPTIVE DISPLACEMENT

OVERVIEW

This report provides estimates of potential cost savings associated with the operation of the eviction prevention program in Knoxville. In sum, the benefit of providing legal representation is less disruption to tenants' lives and therefore fewer costs to Knoxville and Knox County related to homelessness, education, health, and public safety.

The effect of eviction on individual and family social stability, employment, and mental and physical health is well documented.⁴⁴ While eviction may not always result in homelessness, eviction and lack of affordable housing are both leading causes of homelessness.⁴⁵ In 2023, over half of families/individuals seeking support for homelessness in Knoxville cited employment, eviction, and the inability to afford housing as their primary cause of homelessness.⁴⁶ Second only to lack of affordable housing, eviction is a key driver of homelessness in Knoxville/Knox County.⁴⁷

Eviction not only affects individuals and households, it destabilizes neighborhoods and communities.⁴⁸ Research suggests that eviction can erode neighborhood safety and social connections.⁴⁹ Each year, local governments spend millions on public safety, social safety nets and solutions related to community housing instability and homelessness.⁵⁰ In 2022 and 2023, the City of Knoxville and Knox County invested more than \$80 million in response to housing instability and homelessness, with \$14.5 million designated

specifically for the assistance of unhoused residents.⁵¹ The City of Knoxville plans to spend nearly \$1.5 million on homelessness prevention in fiscal year 2025.⁵² However, this does not include additional funding sources, such as CDBG and ESG funds, that were allocated in previous years to address the issue of homelessness in Knoxville, as well as the allocation of public services and police resources to clear and clean homeless encampments in the city.⁵³ Knox County plans to spend an additional \$2.2 million on various offices and programs focused on addressing homelessness.⁵⁴

Community organizations and public agencies also provide immense services to those facing eviction, homelessness and housing instability in Knoxville. In a 2023 survey, the Knoxville Community Action Committee (CAC) and other community partners ranked eviction mitigation as one of the most important services community organizations

⁴⁴ Schwartz, G. L., Leifheit, K. M., Arcaya, M. C., & Keene, D. (2024). Eviction as a community health exposure. *Social Science & Medicine*, 340, 116496. <https://doi.org/10.1016/j.socscimed.2023.116496>.

⁴⁵ Knox County Grants and Community Development. (2022). Homelessness in Knox County: Report and Recommendations. Knoxville, Tennessee: Knox County Grants and Community Development.

⁴⁶ Knox County Grants and Community Development. (2022). Homelessness in Knox County: Report and Recommendations. Knoxville, Tennessee: Knox County Grants and Community Development.

⁴⁷ Knox County Grants and Community Development. (2022). Homelessness in Knox County: Report and Recommendations. Knoxville, Tennessee: Knox County Grants and Community Development.

⁴⁸ Schwartz, G. L., Leifheit, K. M., Arcaya, M. C., & Keene, D. (2024). Eviction as a community health exposure. *Social Science & Medicine*, 340, 116496. <https://doi.org/10.1016/j.socscimed.2023.116496>.

⁴⁹ Schwartz, G. L., Leifheit, K. M., Arcaya, M. C., & Keene, D. (2024). Eviction as a community health exposure. *Social Science & Medicine*, 340, 116496. <https://doi.org/10.1016/j.socscimed.2023.116496>.

⁵⁰ National League of Cities. (2022). Eviction Prevention: A Guide for Local Governments. <https://www.nlc.org/resource/eviction-prevention-a-guide-for-local-governments/>.

⁵¹ Farley, K. (2023). "Mayors Announce Joint City County Office on Housing Stability." City of Knoxville, Tennessee, April 24, 2023.

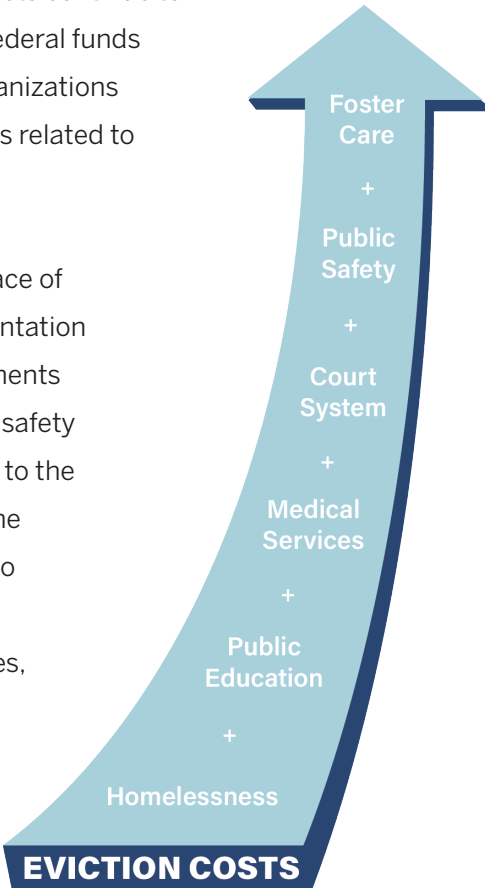
⁵² City of Knoxville. Fiscal Year 2024-2025 Adopted Annual Operating Budget. City of Knoxville, Tennessee, 2024. https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server_109478/File/Finance/Budget/2024/2024-2025-Final-Budget.pdf

⁵³ Adopted Annual Operating Budget. City of Knoxville, Tennessee, 2024. https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server_109478/File/Finance/Budget/2024/2024-2025-Final-Budget.pdf

⁵⁴ FY2025 Adopted Budget. Knox County Tennessee, 2024.

provided in Knoxville.⁵⁵ As housing and rent costs continue to rise, while concomitantly the threat of losing federal funds looms, local governments and community organizations will likely see an increased pressure on services related to homelessness and housing instability.

With this in mind, research shows that in the face of these fiscal challenges, providing legal representation in eviction proceedings can save local governments millions of dollars by reducing stress on social safety nets and public safety resources.⁵⁶ As detailed to the right, the potential fiscal benefits realized by the City of Knoxville and Knox County are related to potential savings in court costs, public safety costs, homelessness services, medical services, public education funding, and foster care costs.



ESTIMATED NUMBER OF PEOPLE AVOIDING DISRUPTIVE DISPLACEMENT

What happens to an individual during and after the eviction process depends on a multitude of factors and may have long-lasting, pernicious effects on an individual. Once evicted, an individual may have an arranged living situation in place, they may move in with family, friends, or into a hotel, may live in their cars, may live on the streets, or may enter an emergency homeless shelter. In the longer term, they can access various programs, such as rapid rehousing and permanent supportive housing, or arrange their own living situation.

Outcomes after the eviction process vary from case to case, but access to counsel for those facing an eviction is paramount in improving the likelihoods of avoiding “disruptive displacement”. Disruptive displacement essentially comes down to keeping an eviction judgment off of a tenant's record.

Although avoiding an eviction judgment may not ultimately lead to a tenant remaining in their current living situation, it does dramatically increase the chances of finding new housing, preserves credit, and may reduce monetary payment to landlords.⁵⁷ Avoiding disruptive displacement can dramatically improve the outcomes for a tenant facing eviction, and the chances of avoiding disruptive displacement improves dramatically with the presence of attorneys from LAET.

**“Speed in moving a case is definitely on the landlord’s side for advantage... Time may be the only protection a tenant has.”
- Michael Davis, LAET Attorney**

Knox County's temporary funding for LAET eviction representation, part of the broader Eviction Prevention Program, began in November 2023, however, the first few months after inception were spent hiring more staff and getting the office up and running. According to employees of LAET, the operation of representing clients in the courtroom at their current capacity began on February 1, 2024, which allowed the office to shift more of its focus to helping tenants facing eviction in the courtroom. From that time until December 13, 2024, LAET has worked on 563 total cases, with 425 of these being eviction cases, either ongoing or completed. Of the 319 eviction cases that have been completed, LAET boasts a 90.6% success rate of helping clients avoid disruptive displacement. Extrapolated to an annual

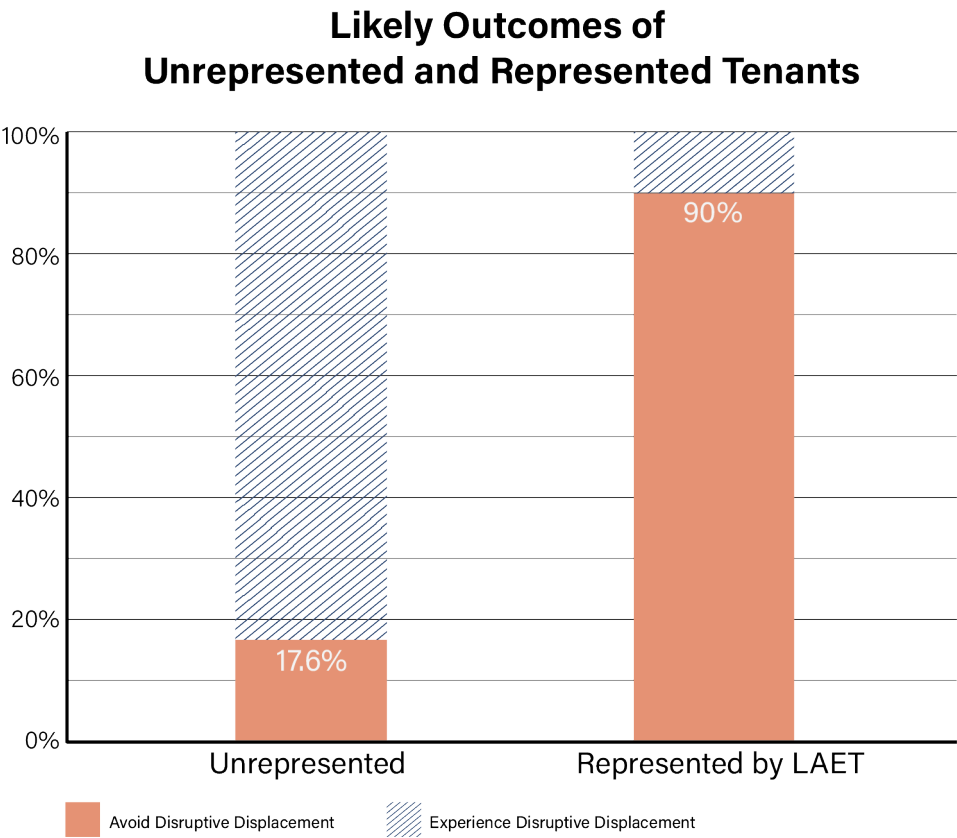
⁵⁵ Knox-Knox County Community Action Committee. 2023 Knoxville-Knox County Needs Assessment. Knox-Knox County Community Action Committee, 2023.

⁵⁶ STOUT. 2020. The Economic Impact of an Eviction Right to Counsel Program in Baltimore City.

⁵⁷ Legal Aid of East Tennessee

basis, LAET is on track to take on 491 eviction cases, helping assist 445 of those eviction cases to avoid disruptive displacement.

While this number is impressive, it is important to remember that although the presence of a lawyer dramatically increases a tenant’s positive outcomes, there is still a chance an unrepresented tenant may avoid disruptive displacement on their own. Thus, it is important to compare the outcomes of represented and unrepresented tenants. However, there are no reasonable estimates for the success rate of unrepresented tenants in Knox County, so this report uses the average, 17.6%, of success rates from six other cities and states, which have undergone similar studies⁵⁸. The graphic below shows the difference between the probabilities of avoiding disruptive displacement for unrepresented tenants and represented tenants.



Taking all of this into account, LAET is on track to help 360 cases avoid disruptive displacement annually. Given the average household size of Knoxville is 2.41⁵⁹ LAET is on track to help 868 people avoid disruptive displacement annually. Assisting such a copious number of tenants has the potential to improve the lives and outcomes of many, leading to improved individual, community, and societal outcomes overall. These improved outcomes can spill over into local government services and organizations, potentially increasing various fiscal benefits and savings for the city of Knoxville and Knox County.

Due to issues with data availability, this report derives estimates stemming from only homelessness services, medical expenses, and public education funding, comparing them to the cost of funding LAET, which is \$600,000⁶⁰. These estimates do not include other funding sources such as police funding and foster care services, amongst others. With this in mind, it is important to note two aspects of these estimates: 1) We believe these estimates underestimate the overall potential fiscal benefits of funding LAET, as we only take into account three sources of funding; 2) These estimates fall within the range of other similar study's estimates, speaking to the overall validity of these estimates.

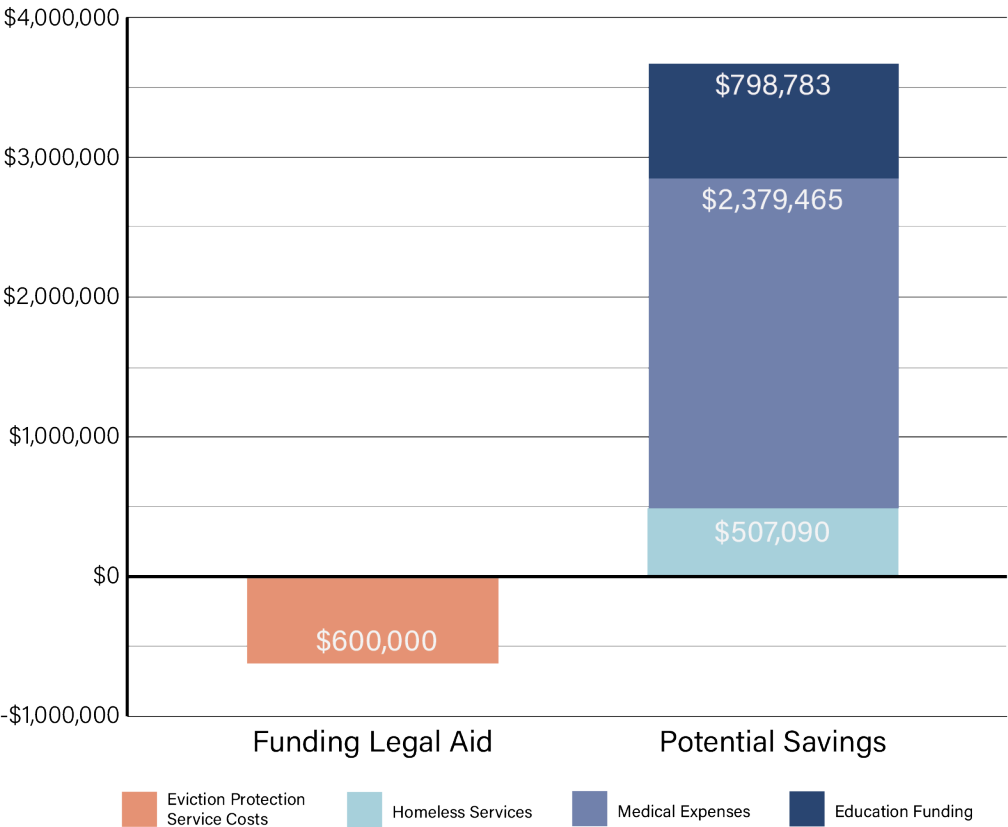
**For every \$1 spent on funding LAET,
Knox County and the City of Knoxville
can potentially save \$6.14**

⁵⁸ This is an average of five different STOUT reports done on the following cities and states: Baltimore, Detroit, South Carolina, Chattanooga, and Los Angeles.

⁵⁹ U.S. Census Bureau. U.S. Census Bureau QuickFacts: Knoxville city, Tennessee

⁶⁰ Legal Aid of East Tennessee

**Funding the Eviction Prevention Program
yields major savings in other social services**



**ESTIMATED COST OF HOMELESS SERVICES AFTER
DISRUPTIVE DISPLACEMENT**

As we have already stated, eviction is one of the leading causes of homelessness. In recent years, homelessness has become an increasingly important issue facing politicians and local agencies alike, in part because of rising rates of homelessness, and because homelessness services and resources come from public funding and therefore make it a public issue.

In the third quarter of 2024, Knoxville's Homeless Management Information System (KnoxHMIS) measured that each day, an average of 2,021 Knox County residents were homeless, which is up from a 1,663 daily average in 2023. Of these 2,021 people experiencing homelessness, 19% state that eviction is the main reason for their homelessness, while 34% state the main reason as the inability to find affordable housing. KnoxHMIS also notes that in Q3 of 2024, for every six people who become homeless, only two will find stable housing. These numbers illustrate that homelessness in Knoxville continues to grow, and the ability of unhoused persons to exit homelessness is falling behind.

This fact is illustrated through interviews with employees at various agencies providing services to people experiencing homelessness across the city. These interviews exemplify the fact that the current systems in place to address homelessness are currently operating at full capacity and are not equipped to handle much more of an influx of new persons facing homelessness.

KARM reported they have 306 emergency shelter beds, stating about 215 men and 110 women staying overnight on average, so on an average night they are operating over full capacity. The Coordinated Housing Assessment and Match Plan (CHAMP), which serves as the coordinated entry system for Knoxville/Knox County, employs a homelessness vulnerability score for new intakes. New intakes are then placed in line for various resources, mainly rapid rehousing and permanent supportive housing, based on their vulnerability score. However, CHAMP Facilitator, Chris Smith, relayed the message that there is a "huge list" for permanent supportive housing and rapid rehousing, and if you are at the end of the line for various housing services, the wait time is typically over 10 months.⁶¹

These testimonies from two of the primary organizations addressing homelessness in

⁶¹ The rapid rehousing, permanent supportive housing, and KCDC waiting lists for housing are all separate lists with long wait times. <https://www.kcdc.org/wp-content/uploads/2024/10/Estimated-Wait-Times-for-KCDC-Properties.pdf>. accessed January 6, 2025.

Knox County illustrate two aspects of the problem: 1) homelessness is continuing to grow at abnormal rates 2) the agencies in place are not equipped to meet all of the demand of the growing homeless population. Taken together, these two facts show the dire situation of homelessness in Knoxville, and also show that it is likely a problem that will only become more difficult to tackle over time.

Common solutions to addressing housing affordability and homelessness include building more emergency shelters and more workforce housing. However, although these policies may be beneficial in the long run, they are expensive and may take years to complete construction, thus making them less beneficial in the short run. Given the current homelessness situation in Knoxville, an effective and cost-efficient solution is the funding of LAET, a solution that addresses the problem immediately, by stemming the flow of people into Knoxville's overcrowded homelessness services, proactively addressing the issue of homelessness at the front end, rather than at the back end.

Using our estimates from the previous section of the amount of people LAET has helped avoid disruptive displacement, we estimate that funding LAET, at the current level of funding, will result approximately in \$507,090 in possible savings and reduction in spending.

Browsing through the Knoxville city budget and the Knox County budget, it is difficult to pinpoint the exact amount of funding spent on specific homelessness services, as homelessness services are mentioned multiple times, but without much detail on specific services provided. To address this problem, this report uses a joint statement by the city and county mayor in which they announce the amount the city and county were going to spend. In this statement, the City of Knoxville and Knox County allocated \$14,500,000 over a two year period to address various homelessness services to assist unhoused residents⁶², leading to approximately \$7.25 million spent annually by the city of Knoxville and Knox County, which is approximately \$19,863 a day. Using this number, along with the 2,941 daily clients served according to KnoxHMIS, the city of Knoxville and Knox County spends approximately \$6.75 a day on each person accessing homelessness services. KnoxHMIS estimates that the median

time spent homeless is 173 days, thus we estimate that the City of Knoxville and Knox County spend approximately \$1,168.41 per person that accesses homelessness services annually.

At current funding levels, we estimate that legal aid will help 868 persons avoid disruptive displacement annually. LAET estimates that they help approximately 50% - 75% of their clients avoid accessing homelessness services. Using the lower 50%, we estimate that LAET will help 434 people avoid accessing homelessness services, by avoiding disruptive displacement. **If these 434 people were to access homelessness services annually, costing the city and the county \$1,168.41 per person, the city and county could potentially benefit approximately \$507,090 a year from funding legal aid.**

ESTIMATED COST OF HEALTH SERVICES AFTER DISRUPTIVE DISPLACEMENT

Knox County residents face more health and safety risks after a disruptive displacement from their homes. People experiencing homelessness develop more health problems than their housed neighbors do, and they are more likely to be arrested or otherwise interact with police.

By helping renters stay in their homes, LAET lowers homelessness rates in Knox County. In this way, LAET keeps Knox County residents healthier and safer. Importantly, these better health and safety outcomes are achieved with lower Medicare and public safety spending.

The stress of housing instability increases the risk of developing chronic health conditions. These conditions include anxiety and depression, other mental health disorders, high blood pressure, cardiovascular disease, and respiratory conditions. When people are faced with housing instability, they might also cancel or delay necessary medical appointments and let

⁶² Farley K. 2023. "Mayors Announce Joint City County Office on Housing Stability". Mayors Announce Joint City County Office on Housing Stability - City of Knoxville..

other health issues go unchecked.⁶³

If people are unable to arrange a living situation after a disruptive displacement, hunger, outdoor exposure and poor sleep can create additional health concerns. As a result, people experiencing homelessness need more **emergency health care** than people with stable housing. The National Low-Income Housing Coalition has found that 32 percent of people experiencing homelessness end up visiting the emergency room and 25 percent need in-patient care.⁶⁴

This increased reliance on emergency care results in higher healthcare prices for families and communities. **By funding LAET, Knox County can significantly lower the number of homelessness-related emergency room and in-patient visits.**

LAET is on track to save 868 people from disruptive displacement each year. Of this population, 434 would likely lose their home without legal representation through LAET.⁶⁵ Thirty two percent of those homeless Knox County residents would end up needing emergency care as a result of lacking permanent shelter, which would result in approximately 139 people needing emergency care.⁶⁶ Of those patients, 75 percent of visits are directly related to health issues created by homelessness.⁶⁷ Because these patients are mostly low-income and unlikely to have employer provided health insurance, taxpayers will cover the cost of their emergency room visit. At a rate of four visits a year and a cost of \$2,032 per visit, LAET saves Knox County taxpayers \$846,612 per year in emergency room expenses related to disruptive displacement.⁶⁸

Twenty five percent of Knox County residents who are experiencing homelessness would require in-patient care for their conditions.⁶⁹ Of those individuals, 80 percent would be hospitalized for health crises related to homelessness.⁷⁰ An average seven-day hospital stay costs \$2,517 per day, which would also likely be covered by taxpayers.⁷¹ As a result, LAET saves Knox County taxpayers \$1,532,853 in in-patient care related to disruptive displacement.

In total, funding LAET will save Knox County at least \$2,379,465 in medical expenses incurred through homelessness. Because this calculation only includes emergency care and does not include categories like preventative care, prescription medication, and out-patient care, this is a conservative estimate.

Additionally, being homeless leads to **increased contact with police.** The Knox County Sheriff's Office is responsible for sweeps of homeless encampments and responding to 311 calls related to homelessness. The Knoxville-Knox County Office of Housing Stability reports an increase in homelessness-related 311 calls as local housing prices have skyrocketed in recent years.

“...we was basically homeless. We stayed at a campsite, hotels. Hotels were very expensive. I paid weekly rates. I just didn't want to be homeless again.”
- Anonymous Tenant

Not only do these responsibilities create additional burden for police and for Knox County taxpayers, they lead to situations where both officers and people experiencing homelessness might be exposed to violence. **Reducing homelessness rates in Knox County through eviction prevention is a fiscally responsible way to keep our community healthy and safe.**

⁶³ Threet, D., Aurand, A., Pish, M., Allen, K., and Carroll, S. (2020). “Costs of COVID-19 Evictions,” National Low-Income Housing Coalition and the University of Arizona, Nov. 19, 2020. <https://nlihc.org/sites/default/files/costs-of-covid19-evictions.pdf>. Accessed Nov. 8, 2024.

⁶⁴ “Costs of COVID-19 Evictions,” 5.

⁶⁵ Robin Hood, “Metrics Equations,” 28, April 2017, accessed November 8, 2024, https://www.robinhood.org/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf.

⁶⁶ “Costs of COVID-19 Evictions,” 5.

⁶⁷ “Costs of COVID-19 Evictions,” 5.

⁶⁸ “Costs of COVID-19 Evictions,” 6.

⁶⁹ “Costs of COVID-19 Evictions,” 5.

⁷⁰ “Costs of COVID-19 Evictions,” 6.

⁷¹ “Costs of COVID-19 Evictions,” 6.

ESTIMATED FINANCIAL IMPACTS OF DISRUPTIVE DISPLACEMENT ON EDUCATION FUNDING

It is clear that individuals who experience an eviction or are otherwise disruptively displaced face more challenges than those with access to stable housing, but how does housing instability affect families with children enrolled in K-12 schooling? First, the loss of a stable home has many adverse effects on a student's mental health by increasing stress, disrupting routine, and causing a lack of security. Without a home, students have nowhere to do their homework, keep their books, or get ready for school.

Additionally, these students are more likely to face food insecurity and often rely on public schools free or reduced breakfast and lunch for meals. Currently, 2/3rds of Knox County Schools provide free breakfast and lunch to all students regardless of eligibility through the Community Eligibility Provision program.⁷² While this is a great resource for families facing food insecurity, a student dealing with housing instability is likely to miss a significant number of school days in which those meals will not be accessible thus worsening the risk of hunger for those students.

Another challenge that families face during a time of disruptive displacement is the ability to get children to school consistently. Knoxville has a limited number of public housing units and an even more limited amount of housing resources for families with children. Because of this, families are often forced to live in cars, motels, or with family members until public housing becomes available.

**“...I have to find a place and I have two kids and my daughter goes to school here in Farragut, and it would really suck for me to move away from the school district”
- Anonymous Tenant**

In a conversation with the Chief Programs Officer of the Knox-County Community Action Committee (CAC), Misty Goodwin, she offered a perspective on this issue in Knox county by stating that CAC sees around 30 families per month that are transient. She also explained that because of limited public housing, families are often placed in different school zones than the ones their children may be enrolled in. An example Ms. Goodwin gave was that a student may go to school in West Knoxville, but the only housing available may be in South Knoxville.

Students have the right to remain enrolled at their school of origin through the McKinney-Vento Act, but this adds pressure onto families regarding transportation. One option is to apply for access to transportation through the McKinney-Vento transportation mandate⁷³ which holds the education agency responsible for getting students to and from school if they are experiencing housing instability. However, it is likely that families who are not familiar with this resource will face challenges getting students to school.

The current enrollment of Knox County Schools is 60,426 students across 94 schools, and according to their 2025 budget, per pupil spending for the year will be \$11,565 which comes to a total budget of \$675.9 million.⁷⁴ This funding comes from local and state taxes as well as federal grant funding and is determined by a funding formula titled The Basic Education Program or BEP.⁷⁵ According to the Tennessee State Board of Education, student enrollment is the primary driver of funds generated by the BEP. This means that there is a direct correlation between funding and enrollment, and when enrollment decreases so does funding.

⁷² "Food and Nutrition Services / CEP," n.d. <https://www.knoxschools.org/site/Default.aspx?PageID=8745>.

⁷³ SchoolHouse Connection. "McKinney-Vento (Transportation)," June 13, 2024. <https://schoolhouseconnection.org/tools-resources/qa-from-the-field/mckinney-vento-transportation>.

⁷⁴ Rysewyk, Jon, Adrian Rucker, Keith Wilson, Jennifer Hemmelgarn, Andrew Brown, Garfield Adams, Kori Lautner, et al. "BUDGET PROPOSED FY 2025 GENERAL PURPOSE CAPITAL IMPROVEMENT PLAN SCHOOL NUTRITION." Knox County Schools, 2025. https://www.knoxschools.org/cms/lib/TN01917079/Centricity/Domain/956/FY2025Budget_05022024_FullBook_Web_FINAL.pdf.

⁷⁵ "The Basic Education Program," n.d. <https://www.tn.gov/sbe/committees-and-initiatives/the-basic-education-program.html>.

From February 1, 2024 to December 13, 2024, LAET has helped 248 students avoid disruptive displacement. Extrapolated to an annual basis, LAET is on track to help 286 students per year avoid disruptive displacement. Without the LAET, of these 286 students, 50% of them would likely end up facing homelessness following an eviction. This means that in the absence of the LAET, – 143 Knox County Students would be likely to become homeless following disruptive displacement. Chronic absenteeism is defined by a student missing more than 10% of the school year, and those who are chronically absent not only lose instructional time but are more likely to never complete high school.

While it is hard to quantify the loss in potential productivity that a student would generate post-graduation, it is possible to quantify the loss in funding that the school system would experience based on chronic absenteeism of homeless students. Research shows that 48.3%^{76 [5]} of students experiencing homelessness in Knox County are chronically absent. By applying this percentage to the number of students who would face homelessness without LAET intervention, 69 students in Knox County are expected to be chronically absent due to homelessness. At \$11,565 of funding per student, the effect of 69 chronically absent students would be a loss of \$798,783.00 for Knox County Schools annually.

Due to the inability to quantify the costs of additional supportive services provided to students facing housing instability, this is a conservative estimate of the financial impacts of eviction in Knoxville on Knox County Schools. Overall, the implementation of the LAET would save KCS from a loss of more than \$600,000 of funding while reducing the impacts of disruptive displacement on families and students across the county.

⁷⁶ Schoolhouse Connection and University of Michigan. "Child and Youth Homelessness Data Profiles." Tableau Public, 2022. <https://public.tableau.com/app/profile/schoolhouseconnection/viz/ChildandYouthHomelessnessDataProfiles/National>.

DATA LIMITATIONS

LACK OF DATA AVAILABILITY

In creating this report, one common problem we consistently faced is the lack of data and data transparency available in regards to evictions in Knox County and Knoxville. This was not only a problem faced by researchers of this report, but lack of information or the ability to access information was a recurring topic mentioned by many of the people and organizations we interviewed or who provided support in creating this report.

Whether the lack of data availability is due to it not existing or because it is intentionally inaccessible, which is unknown at this point, it was no doubt a hindrance in developing the report.

“I wouldn’t want to have to be a data person in [Tennessee] because it’s like wrangling cats. You’re just working with a lot of variation and a lot of inconsistency”⁷⁷

To further illuminate these issues of data availability, The Eviction Lab from Princeton University attempted to compile eviction data for all 50 states. The lab sent requests for data to all states where data could not be publicly found. They were able to receive eviction data from every state except for nine, with Tennessee being one of the nine states that could not provide the requested data. Although in the state, cities such as Chattanooga and Nashville have recently digitized their eviction court records, Knox County still manually records and organizes all eviction court data. This potentially makes it more difficult to record, store, and publish data, exacerbating issues with data availability which could potentially be used to educate and improve policies and practices.

⁷⁷ The Eviction Lab. We made a simple eviction data request to all 50 states. This is what we learned (Princeton University; The Eviction Lab, 2024). Quote comes from Jeanette Bilodeau.

CONCLUSION AND RECOMMENDATIONS

The goal of this report has been to provide Knoxville and Knox County data regarding the legal and practical process, challenges and tenant experiences with eviction. At the same time, we have also demonstrated the financial burden and costs of homelessness for Knox County. As prices continue to rise in Knox County, it is reasonable to assume that more folks will experience housing precarity, eviction and homelessness on some scale.

This report highlights how extended funding of the with Legal Aid of East Tennessee can:

1. Help people to remain in their homes, keeping more families stably housed which has multiple downstream effects for individuals and the community as a whole.
2. Help folks navigate the eviction court process.
3. Relieve some demand for already over-stressed public resources and services.
4. Save Knoxville and Knox County money, which can go towards other resources or services.

In addition to the extension of funding for the with Legal Aid of East Tennessee we believe that improving the court process through technology and more information for tenants will allow for a more expedited and transparent experience for all involved actors, including judges, lawyers, building managers, landlords and tenants. Finally, allowing for an eviction to be expunged from a person's record after three or four years will allow some of Tennessee's most vulnerable residents to improve their livelihoods, rather than being choked by a life-long eviction sentence. For now, Legal Aid of East Tennessee is Knoxville and Knox County residents' best bet.

