

NURSING-LEGAL PARTNERSHIP

Case Study

Spring 2018

Nursing-Legal Partnership prevents a wrongful eviction

Elena lived in a two-bedroom apartment in North Philadelphia with her three-year-old son, her mother Marcela, her brother, and her two nieces. The apartment had mold growing in the basement, several leaks in the ceiling, missing floor tiles, and holes in the wall. Rats and mice lived in a dumpster next to the back door and frequently ran through the kitchen. The apartment's heaters hadn't worked in months, so the family used space heaters to keep warm during the winter.

After seeing these conditions on a home visit, Elena's nurse referred the family to the Nursing-Legal Partnership. Managing Attorney Stephanie Dorenbosch began advising the family of their rights as tenants, including their right to a heated home free from mold and vermin. When Marcela notified the landlord that she was going to withhold rent until he made the apartment habitable, he immediately threatened to evict the entire family.

At this point, Stephanie investigated and discovered that the landlord did not have a rental license. He would not be able to file an eviction complaint until he obtained one. However, if the landlord did apply for the license, the family would be at risk for eviction despite the obvious illegal retaliation.

Elena's family was willing to move out, but they didn't have enough money saved for a security deposit or first month's rent for a new apartment. The landlord agreed to meet with the Nursing-Legal Partnership attorney to negotiate a resolution.

In the final written settlement, the landlord ended up agreeing to allow Elena's family to stay in the apartment without paying any rent at all for four months. He also agreed to waive any additional monetary claims for damage to the apartment, and to waive his right to file an eviction complaint *for any reason* until their move-out date had passed. In return, Marcela agreed only to waive any claims against the landlord for damages to her personal property caused by the leaks and mold in the apartment. Elena and her brother waived none of their potential claims.

As a result, Marcela, Elena, and her brother were all able to keep their records and credit histories completely clean of any eviction filings. They also avoided wasting additional money on the unfit apartment and were able to save more than \$2,000 in withheld rent, enabling them to move into better and healthier housing.

The Nursing-Legal Partnership is a collaboration between the **National Nurse-Led Care Consortium (NNCC)** and the **Health, Education & Legal assistance Project (HELP:MLP)**. For more information and to sign up for the Nursing-Legal Partnership newsletter, visit: <http://nurseledcare.org>