



**Governor's Office for Emergency Relief and Recovery
Legislative Advisory Board**

**Testimony of New Hampshire Legal Assistance
May 18, 2020**

Honorable Members of the Legislative Advisory Board:

Thank you for the opportunity to provide information, and for your service to the people of New Hampshire during this crisis.

My name is Sarah Mattson Dustin and I am the Executive Director of New Hampshire Legal Assistance (NHLA). NHLA is a nonprofit law firm. Founded in 1971 and marking our 50th anniversary next year, NHLA is a cornerstone institution in the nonprofit and human/social services sectors.

As a civil legal aid provider, NHLA assists low-income and elderly people with civil legal issues that impact their basic needs, such as safety, shelter, and economic security. NHLA's specialized attorneys and paralegal advocates work directly with our clients to help them resolve problems and get back on the path to long-term stability. We have offices in Berlin, Claremont, Concord, Portsmouth, and Manchester and operate statewide, traveling to every corner of the state – approximately 100,000 miles in 2019. In 2019, 71 percent of the clients we served were women, 51 percent experienced disabilities, 41 percent had minor children, and 33 percent were seniors.

NHLA is considered an essential business and has continued to operate during the pandemic. Staff members are working from their homes, using telephone and video conferencing to assist their clients and attend hearings and other case events. As a statewide program with five offices, we were already accustomed to working together from many locations and have been able to maintain near-total operational continuity. Although we are not able to answer our telephones live, we have a sophisticated telephone system and are operating using a call-back model. NHLA invested in technology upgrades during the last two years, and as a result we were well-equipped to make an overnight transition to remote work. During the last several weeks, the legal landscape with which our low-income clients interact has changed at a dizzying pace. NHLA attorneys and paralegals have been called upon frequently to help interpret and disseminate information to our client community as well as other service providers. With nearly 50 years of experience, we are a trusted, credible voice in our areas of expertise.

As a result of the COVID-19 pandemic and the ensuing economic crisis, NHLA is preparing for a surge in need for civil legal aid. Historically, civil legal aid – both here in New Hampshire and nationwide – has never had the capacity to meet demand. That problem is compounded when the need for civil legal aid spikes due to economic instability and increased poverty.

NHLA projects a sizeable increase in the number of Granite Staters who are eligible for our services. NHLA’s financial eligibility guidelines cap household income at 200 percent of the federal poverty level (\$1,008 per week for a household of four). Many of our clients live in even deeper poverty: 43 percent have incomes at or below the poverty level (\$504 per week for a household of four).

As the economy worsens, more households will see their income fall below 200 percent of the poverty level. We estimate that during the last severe economic downturn, the percentage of people who were eligible for NHLA’s services increased by approximately 23 percent.¹ A commensurate increase now would make 54,000 more Granite Staters eligible for NHLA’s services.² Unemployment is already at historic highs. During the Great Recession, the highest number of new unemployment insurance claims in a single week was 4,058. The week ending April 4, 2020 saw 39,202 such claims.³

As people in New Hampshire lose work, spend down savings, and fall into poverty, they will begin to struggle to meet their basic needs. We applaud short-term solutions such as eviction and foreclosure moratoriums and supplemental unemployment insurance payments – but those solutions are unlikely to outlast the economic crisis. Civil legal aid can help families experiencing financial struggles and related legal trouble resolve problems fairly and get back on their feet. That is why civil legal aid is a direct response to the “second-order effects” of the COVID-19 pandemic, as described in the Department of the Treasury’s guidance regarding Coronavirus Relief Fund spending.⁴

NHLA expects the surge in need for civil legal aid to come in waves, as New Hampshire begins to reopen during an economic downturn. Areas of particularly heightened need include the following:

- 1.) Housing and utilities. Job loss forces low-income families to make impossible decisions. Food or medicine? The rent or the electric bill? Currently, moratoriums on eviction, foreclosure, and utility disconnections are staving off housing crises, but families remain obligated to pay their bills. Once the state begins to reopen and the moratoriums are lifted, many families will be left with significant arrearages and the threat of homelessness and/or utility disconnections. NHLA strongly supports funding for rent,

¹ Bureau of Labor Statistics and Census Bureau, Current Population Survey Annual Social and Economic Supplement, Table POV-46, Poverty Status by State, All Ages (2007-2013).

² Id. (2007-2018).

³ Michael Cousineau, \$600 unemployment checks could arrive as soon as Friday, New Hampshire Union Leader (April 16, 2020).

⁴ Department of the Treasury, Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments (April 22, 2020).

mortgage, and utility assistance, but we know civil legal aid will be required to keep families in their homes.

Civil legal aid helps families by ensuring that evictions and foreclosures proceed on lawful substantive and procedural grounds. NHLA is often able to help tenants and homeowners reach reasonable repayment agreements with landlords and banks. Housing stability is the literal and figurative foundation of family stability; “housing first” is a mantra now heard across many disciplines. Civil legal aid is fundamental to preserving housing and preventing homelessness.

- 2.) Unemployment insurance and other benefits. NHLA has already observed a marked uptick in requests for assistance with unemployment insurance. New Hampshire Employment Security has not only had to process an unprecedented volume of claims, it has also had to roll out significant changes to underlying law and policy. If the economic downturn is prolonged, more people will also seek benefits administered by the Department of Health and Human Services, such as the Supplemental Nutrition Assistance Program (commonly known as Food Stamps) and the Granite Advantage Health Care Program.

Civil legal aid helps people resolve problems they encounter when navigating complex and often overburdened public benefits systems – systems that had no time to prepare for a sudden and massive spike in demand. Making sure people can access the state and federal benefits for which they are eligible helps stabilize families and keeps children safe and healthy. These programs also keep money flowing to landlords, grocery stores, and other businesses that provide household essentials. Finally, increased economic security for families prevents downshifting to municipal welfare programs – the safety net of last resort for Granite Staters in need.

- 3.) Domestic violence. New Hampshire’s COVID-19 response has already acknowledged that “emergency relief is necessary to ensure that victims of domestic and sexual violence are able to access critical services and protections in response to COVID-19.”⁵ Governor Sununu’s Executive Order #21 created the Emergency Domestic Violence and Sexual Violence Services Relief Fund and authorized disbursement of up to \$600,000. We agree that the pandemic is likely to increase the risk of intimate partner violence as well as the barriers to seeking help and commend the decision to create this fund.

NHLA also provides domestic violence services, partnering closely with the domestic and sexual violence crisis centers that will receive emergency funding under Executive Order #21. Civil legal aid plays an essential role in helping survivors and their children reach safety and remain safe. Although many other kinds of court hearings have been postponed, NHLA lawyers are attending hearings telephonically to represent clients seeking protective (restraining) orders, including relief such as parenting rights (custody and visitation) and child support. These court orders are crucial to survivors’ long-term

⁵ State of New Hampshire by His Excellency Christopher T. Sununu, Governor, Emergency Order #21 Pursuant to Executive Order 2020-04, “Establishment of the COVID-19 Emergency Domestic and Sexual Violence Services Relief Fund” (April 1, 2020).

safety and stability, keeping abusers away and providing the financial stability survivors need to rebuild their lives.

- 4.) Education. We are grateful to the educators across New Hampshire who have deployed remote learning for New Hampshire students (and to the parents who have stepped up to help teach their kids). Unfortunately, some services are nearly impossible to deliver remotely, and some families are less equipped to participate in remote learning. In the months ahead, we must ensure that at-risk children, including children with disabilities, receive the educational services they need to make progress and stay on track.

Civil legal aid helps children and families enforce their rights under state and federal laws pertaining to special education and school discipline. The involvement of a civil legal aid attorney or paralegal advocate can help children, parents, and educators identify trouble spots, solve problems, and get back on the path to educational success.

Civil legal aid attorneys and paralegal advocates help clients resolve problems and preserve their families' safety, shelter, and economic security. Civil legal aid stabilizes families and often prevents more expensive problems, such as the lasting impacts of adverse childhood experiences (such as exposure to domestic violence) for low-income children. When NHLA helps clients access federal housing and benefits programs and income like child support, we also reduce costs for state benefits programs and municipal welfare budgets. These are concrete economic impacts that provide value not only to individuals and families, but also to the communities where they live. Based on the predicted surge in need for civil legal aid, NHLA encourages the Governor's Office for Emergency Relief and Recovery to set aside Coronavirus Relief Fund dollars for civil legal aid.

Respectfully submitted,



Sarah Mattson Dustin, Esq.
Executive Director