

NOVEMBER 2020

LEGAL AID NC



# JUSTICEGUIDE

How to obtain **FREE** civil legal services & information



## NO PLACE LIKE HOME

Concerned about eviction?  
We can help. PAGES 7–10

How COVID-19 Affects  
Your Rights PAGE 3

Free Online Clinics on  
Legal Topics PAGES 4–5

Affordable Health  
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## LEGAL AID OF NC (LANC)

Our services are **FREE** to low-income people. To find out if you qualify, call our helpline or apply on the web.

LANC can help you with civil legal issues related to

### GET LEGAL HELP



**Toll-Free HELPLINE**  
1.866.219.LANC (5262)



**APPLY ONLINE**  
[legallaidnc.org/apply](http://legallaidnc.org/apply)

**Housing | Consumer | Employment | Public Benefits**  
**Domestic Violence & Sexual Assault**

We do not handle criminal cases.

**Facebook Live Streams**  
**& Zoom Clinics**

See pages 4 & 5 for more information on our **FREE**, online legal clinics.  
*Some videos, materials, and online events are available in Spanish.*

### ADDITIONAL RESOURCES

**LawHelpNC.org:** Easy-to-understand information on a wide range of legal issues, including family law.

**NCCourts.gov:** Free access to many kinds of legal documents. You can search by document name or file number.

**North Carolina Bar Association's Lawyer Referral Service:** You can call 800.662.7660 or 919.677.8574. Find an attorney in your area and receive a 30-minute consultation for \$50.

#### CONTACT

PO BOX 28741, RALEIGH, NC 27611  
(P) 919.856.2138  
(F) 919.856.2120  
LEGALAIDNC.ORG

#### VOLUNTEER

LEGALAIDNC.ORG/VOLUNTEER

#### GIVE

LEGALAIDNC.ORG/DONATE

#### CONNECT

FACEBOOK.COM/LEGALAIDNC  
 TWITTER.COM/LEGALAIDNC  
 YOUTUBE.COM/LEGALAIDNC

## Justice During COVID-19

Inequities in our communities that existed before the pandemic have worsened since coronavirus descended on North Carolina in March of 2020. Regardless of whether your problem is related to the virus, visit [legalaidnc.org](http://legalaidnc.org) if you need legal assistance with a civil matter. Click "Get Help" in the gray bar near the top of the page and apply for services online or by phone.

Also under the "Get Help" tab, find detailed information about our Self-Help Clinics. Due to the coronavirus crisis, we are offering all clinics electronically using Zoom and Facebook Live. Topics covered include the following:

**Child Custody and Visitation**

**Criminal Record Expunction**

**Employee Rights**

**Health Care Powers of Attorney & Living Wills**

**Simple Divorce**

**Social Security Disability**

**Tenant Rights**



### Self-Help Clinic Materials

Visit [legalaidnc.org](http://legalaidnc.org), click "Get Help," and choose "Self-Help Clinics."

**COVID-19 is affecting your rights under the law**

COVID-19 is affecting many aspects of your rights under the law, as well as how courts operate. Face coverings are required in all courthouses. Find COVID-19 orders, emergency directives, FAQs, and updates at [www.nccourts.gov/covid-19](http://www.nccourts.gov/covid-19).

## All LANC self-help clinics remain free and open to the public.

All clinics remain free and open to the public and provide you with the guidance and paperwork necessary to handle certain basic legal issues without hiring an attorney. Clinics offer general guidance and legal information only. You must apply for assistance if you need specific, individualized legal advice. Visit [legalaidnc.org](http://legalaidnc.org)/apply for more info.

Despite the pandemic, our attorneys continue to meet with clients in-person and go to court as necessary. Most staff are working remotely as of this writing, but our 20 local offices remain open with skeleton crews. For the safety of all, please make an appointment before visiting.

## Protecting Your Rights under the Law

### MARK YOUR CALENDARS!

Facebook Live Streams  
& Zoom Clinics

Get the legal help you need on your computer or mobile device.

Visit [Facebook.com/LegalAidNC](https://www.facebook.com/LegalAidNC) to take advantage of these events; video of the live event is then archived in our Facebook feed.



#### Online Legal Clinics

Tuesdays/Thursdays from 2:30–4:00 PM

These free webinars are held on Tuesdays and Thursdays from 2:30 pm to 4:00 pm. Topics covered by Legal Aid and pro bono attorneys are: Child Custody and Visitation, Criminal Record Expunction, Employee Rights, Health Care Powers of Attorney and Living Wills, Simple Divorce, Social Security Disability, and Tenant Rights.



#### Free Forum Fridays

Fridays at 11:00 AM

Forums occur every Friday at 11:00 am. A legal expert presents on the hot legal issues of the week. Examples of topics addressed are: updates on unemployment benefits, domestic violence assistance, housing and tenant rights, remote notarization, and the disproportionate effect of COVID-19 on people of color.



#### Housing on Monday Evenings (HOME)

Mondays at 4:00 PM

Offered each Monday at 4:00 pm, Legal Aid's free HOME events provide up-to-date information on topics such as evictions, applying for affordable housing, and the key implications for both renters and landlords of new laws passed in response to the wide-ranging effects of the pandemic.



#### Disaster Relief Info Session

Wednesdays at 4:00 PM

Every Wednesday at 4:00 pm, join us on our Facebook page for info on disaster relief. We're covering topics such as ReBuild NC applications and estate planning for disaster recovery.



#### Domestic Violence Awareness

Wednesdays at Noon

Wednesdays are also Domestic Violence Awareness Day at [Facebook.com/LegalAidNC](https://www.facebook.com/LegalAidNC). If you or someone you care about needs information on this topic, join us at noon.

### Online events provide general information

We are unable to offer individualized legal assistance during these events. Attorneys answer general questions at the end of each presentation.

If you need additional help, call us toll free at 1.866.219.LANC (5262) or apply online: [legalaidnc.org/apply](http://legalaidnc.org/apply).



- All events are free and open to the public; you can sign up and attend online.
- Events are provided through Zoom and simultaneously streamed to Facebook.
- You do *not* need to create a Zoom or Facebook account to take advantage of these events.
- You can submit general questions during the live event via Zoom chat or a Facebook comment.
- COVID-19 updates like the effects of the virus on laws/court procedures are covered.
- You can receive written materials related to an online event via email.
- Some online legal clinics and follow-up materials are available in Spanish.



All online clinics offered live at [Facebook.com/LegalAidNC](https://www.facebook.com/LegalAidNC) are automatically recorded and uploaded to our Facebook page, so that you can access them after the event ends.

Visit [Facebook.com/LegalAidNC](https://www.facebook.com/LegalAidNC).



Videos of online presentations are also posted to our YouTube Channel, so you can view them whenever convenient. We offer almost 20 videos on housing topics alone that answer specific questions related to the COVID-19 pandemic.

Visit [YouTube.com/LegalAidNC](https://www.youtube.com/LegalAidNC).



# LANC AT A GLANCE

LEGAL AID OF NC  
IS ONE OF THE LARGEST LAW  
FIRMS IN NORTH CAROLINA



## IMPACT OF LANC 2002–2018

**361,374 CASES HANDLED**

### LANC CLIENTS ARE ETHNICALLY DIVERSE

African-American: **43%**

White: **41%**

Hispanic: **11%**

Native American: **2%**

Asian or Pacific Islander: **1%**

Other: **4%**

**> 192 K**

Our Helpline staff fielded  
192K calls in 2018

Our Helpline assesses client  
eligibility & assigns cases to staff  
& volunteers throughout NC

### WE CLOSE 20K+ CASES EACH YEAR

**28% of our cases:**  
Housing

**26% of our cases:**  
Domestic Violence

About **37%** of the state's population  
is eligible for our services.

**Your support allows us to  
HELP MORE FAMILIES  
in need of legal assistance.**

*Based on 2018 data unless otherwise noted. Percentages may not add up to 100 due to rounding.*

### LANC'S New Eviction Negotiation Project

Our new Eviction Negotiation Project is a statewide effort that matches tenants facing eviction with pro bono attorneys. These attorneys negotiate with landlords to keep tenants in their homes. We have trained more than 200 volunteers across the state in response to the rise in evictions resulting from the pandemic. There have been many changes in the law due to COVID-19, and each volunteer attorney is assigned a LANC mentor who is an expert in the aspects of housing law specific to the pandemic. LANC provides our volunteers with on-going trainings so they have the most up-to-date information about the law.



It is generally more difficult for landlords to evict tenants right now due to recent changes in eviction law. Many landlords are willing to negotiate. LANC staff attorneys and pro bono volunteers have had a high level of success negotiating deals with landlords. Some landlords are waiving some portion of rent due and/or setting up payment plans. Our attorneys may also provide information on rental assistance that is available to those who qualify.

**If you need assistance, call our statewide Helpline at 866.219.5262. We will assign you to an attorney if you qualify for LANC services.**

### LANC Sees Large Increase in “Self-Help” Evictions

The rate of eviction in general is up across the state as a result of the pandemic. LANC's Helpline saw a huge spike in self-help evictions after COVID-19 hit. A self-help eviction is when a landlord illegally evicts tenants without going through the court system. A landlord may lock a tenant out or shut off their water or power.

This increase in self-help evictions may be due to the additional legal protections for tenants put in place due to the pandemic. Some landlords then proceeded outside the law. Many North Carolinians can't afford a private attorney. If these tenants qualified for LANC services, our attorneys were able to file an emergency motion with the court to get them back in their homes.



### Learn how the CDC eviction suspension order can help you stay in your home.

To control the spread of COVID-19, the Centers for Disease Control (CDC) has made an eviction suspension order for nonpayment of rent, fees, and other charges. The protections under this order are *not* automatic—to receive protection, a tenant must sign a sworn declaration and give it to the landlord. The order applies to the entire United States. The CDC announced the order 9/2/20; it delays or postpones some evictions until 12/31/2020. Tenants facing evictions for nonpayment of rent must make below a certain income and meet other factors set out by the CDC. This order does *not* apply to foreclosures.



If you think you may qualify, you can access numerous resources on our website. Visit [legalaiddnc.org](http://legalaiddnc.org) and click on the CDC Eviction Moratorium alert in red at the top of the page for more information. Isaac Sturgill, head of the housing practice group for LANC, discussed this moratorium in a Facebook Live event on 9/2/20, and you can access the PowerPoint slides of his presentation, as well as the order itself, on our website.

*Disclaimer: This information is not legal advice and is not intended to be legal advice. This information is for general informational purposes only.*



#### Where can tenants get legal help?

Veterans, low-income persons, or senior citizens may apply for free help from Legal Aid of North Carolina by calling 866.219.5262.



## FAQs

**Are all evictions suspended or postponed? No.**

The order postpones many evictions, including those for nonpayment of rent, fees, and other charges. It does *not* stop evictions for criminal activity on the property, threatening other residents, damaging property, violating health and safety codes, or breaking the lease for something besides nonpayment.

**Will tenants still owe rent while the eviction is postponed by the CDC Order? Yes.**

A tenant will still owe rent or other fees that are due under the lease.

**How do I get the protection of the CDC order?**

1 Read a statement called a Declaration. The tenant must decide if all the statements in the Declaration are true. Visit this web address to access a copy of the Declaration:

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>.

2 If a tenant decides that all the statements in the Declaration are true, the tenant must sign it under oath. Each adult in the residence must sign a Declaration if all the statements are true. Tenants should keep copies for their own records.

3 The tenant must give a copy of the Declaration to the landlord, or the owner of the rental place, or to another person if they believe the person has a right to have them evicted.

**When does the protection take effect?**

It takes effect when the tenant delivers a signed copy to the landlord.

**What if the tenant already has a court date?**

Tenants may need to go to court to show the magistrate or judge that they signed the declaration and gave it to their landlord. Otherwise, the court may go forward with the eviction.

**What if an eviction hearing has already happened?**

Within 10 days after court, tenants may go to the courthouse to make an appeal.

**What if the 10 days for appeal have ended or the tenant cannot afford the appeal bond?**

Tenants in these situations *may* still be able to stop the eviction process by filing court papers called a motion for a temporary restraining order to stop the lockout.



### Eviction Negotiation Project Attorney Works Out Payment Plan with Landlord for Client

LANC volunteer attorney Richard Boyette recently assisted a woman from a rural area who had been served with eviction papers. This client had lost her job but found another, and she therefore could start paying rent again. She was two months behind and owed a pet deposit when she sought help.

This client wanted to stay in the home rather than mounting a defense to the eviction. She also did not wish to seek monetary damages against the landlord (called “rent abatement”) for failing to make needed repairs. This rental house had issues, including a mold problem that had been confirmed by the county inspector.

The eviction papers alleged default for the rent payment due in June 2020, and Governor Cooper’s moratorium required that landlords agree to a payment plan for unpaid rent for June. The client had become re-employed, and it seemed possible for her to comply with a payment plan. This client also owed May rent (not covered in the eviction complaint); the landlord was more interested in collecting rent than evicting her.

The client had already been in touch with a local consortium of churches and nonprofits helping people stay in their homes. She had a commitment for enough money to pay her May rent, if she could get an agreement with the landlord to avoid eviction. Richard negotiated a payment plan with the landlord so that the client had several months to pay the June rent, plus a late fee. She paid the July rent, the late fee, and the pet deposit independently and was able to remain in her home.



### Volunteer Attorney Assists LANC Client with Eviction from Rent-to-Own Mobile Home

When our client moved to North Carolina, she entered into a rent-to-own contract for a mobile home. The home had an extensive mold issue that was not disclosed before she moved in. The lease also contained several illegal terms, such as shifting all maintenance costs and responsibilities onto the tenant.

Our client came to Legal Aid for help after she and her husband had used all their savings trying to fix the home. This caused them to miss a rent payment, and their landlord initiated eviction proceedings. A Legal Aid attorney helped this client with the eviction at the beginning of the process, and volunteer attorney Will Graebe then stepped up to assist with the contract issues.

After only five weeks, Will successfully negotiated a settlement that allowed the client to receive a check for a refund of her entire down payment. She and her husband can now move to a safer home and get a fresh start.

### LANC Assists Victim of Spousal Abuse with Domestic Violence Protective Order (DVPO)

FG was a client who originally obtained a domestic violence protective order through a Legal Aid of NC office in 2017. We obtained the order against her estranged husband after he broke into her home and pushed her through a glass window. She moved to renew for a second time because her husband threatened to enter her home, and divorce proceedings were underway. To support the motion, we introduced a certified copy of the husband's guilty plea to assault with a deadly weapon involving serious injury. Our attorney pointed out that the judgment had not been treated as a domestic violence case, and that the husband's probationary terms did not include an order to stay away from our client. The court granted the motion with an additional two years of protection.



### Ex-Boyfriend Found in Criminal Contempt with Help from LANC Attorney

When Ann's boyfriend began a pattern of abusive behavior, she ended the relationship and represented herself in obtaining a domestic violence protective order (DVPO) against him. Angered by his loss, Ann's ex-boyfriend then filed an action against her in Small Claims Court seeking the return of over \$5,000 worth of property, which primarily included hunting rifles and other gifts he had given her during their relationship. Ann was fearful of being forced to return the rifles to her abusive ex-boyfriend. LANC helped her obtain a dismissal of the Small Claims Court case because Ann's DVPO protected her from her ex-boyfriend's continued harassment. Her LANC attorney also filed a Motion to Show Cause for her ex-boyfriend's harassment in violation of the DVPO. After the hearing on the motion, the judge found Ann's ex-boyfriend in criminal contempt and fined him \$500.



**Wednesdays are Domestic Violence Awareness Day at LANC.**

**We invite you to join us at a live online clinic at noon each Wednesday at [Facebook.com/LegalAidNC](https://www.facebook.com/LegalAidNC).**

### We Stand for Justice

The Board of Directors of Legal Aid of North Carolina (LANC) joins with our staff across the state to condemn violence against Black Americans by police or by private citizens with police acquiescence. The primary—or only—“crime” of individuals like George Floyd, Breonna Taylor, Ahmaud Arbery, and Rayshard Brooks was simply being black. It’s hard to imagine a graver injustice than being killed—often with impunity—by the very people sworn to protect you.

LANC is dedicated to providing equal justice to the poorest, most oppressed, most disregarded, and most vulnerable people in our state. Justice is our watchword. It is our guiding light, our North Star—it is the concept which fuels our work, and it is the goal towards which we continuously strive.

As a civil legal aid program, our fight for justice involves securing protective orders for victims of domestic violence and sexual assault and saving families from homelessness by fighting evictions. Our fight lies also in securing racial justice.



**Justice is our guiding light, our North Star—it is the concept which fuels our work, and it is the goal towards which we continuously strive.**

### In our work every day, we see these often-fatal perils:

Unsafe housing conditions

Predatory and abusive lending practices

Dangerous working conditions

School-to-prison pipeline

These perils fall overwhelmingly, and heavily, on people of color.

As a legal organization, we know how the system works, and we know how to change it.

And we intend to continue to do so, to the best of our ability.

That is our promise.

### Supporting Our Staff with a Well-Being and Resilience Check-In

As part of the ongoing effort to recognize and respond to the needs of staff during this time of social unrest, racial injustice, and the ongoing pandemic, LANC hosted a Staff Well-Being and Resilience Check-In in September. Experts from both within LANC and outside of the organization facilitated the discussion, with the goal of ensuring that any staff member experiencing trauma during this difficult time was offered appropriate support. Staff self-identified as either a Person of Color or an Ally and processed how to best support each other.



**I shall conquer  
untruth by truth.**

MAHATMA GANDHI

### Developing a Deeper Understanding of Racism

#### Strengthening Our Ability to Work for Positive Change

In October, the Racial Equity Institute (REI) provided LANC staff with a two-day training designed to develop our capacity to better understand racism in its institutional and structural forms. Moving away from a focus on personal bigotry and bias, the workshop presented a historical, cultural, and structural analysis of racism. With shared language and a clearer understanding of how institutions and systems are producing unjust and inequitable outcomes, participants left the training better equipped to work toward positive change. Topics covered in the training included: race, poverty, and place; understanding and controlling implicit bias; institutional power arrangements and power brokers; the importance of definitions of race and racism; racial identity and its interaction with institutional culture; and the history and legacy of race in American economic and policy development.

## OUR OFFICES REMAIN OPEN ~ GET LEGAL HELP

You may notice that some of our offices have boarded-up windows or changed entrances—but, make no mistake, across the state our offices remain open. Please know that we are with you in the ongoing struggle for justice and equality.



**Toll-Free HELPLINE**

**1.866.219.LANC (5262)**



**APPLY ONLINE**

**[legalaidnc.org/apply](https://legalaidnc.org/apply)**

### Do You Need Affordable Health Insurance?

The COVID-19 crisis has caused many people in North Carolina to lose their health insurance. Legal Aid of NC Navigators have been working tirelessly to connect them to quality, affordable health coverage through a special enrollment period. The majority pay less than \$80 a month for quality health insurance.



Most people assisted by LANC Navigators pay less than \$80 a month for quality health insurance. 9 out of 10 North Carolina residents who enrolled in 2019 received help paying their premiums.



Open Enrollment runs from November 1, 2020, through December 15, 2020. Legal Aid Navigators stand ready to assist as many North Carolinians as possible through safe, remote appointments. Financial assistance is available to assist in paying for coverage, with 9 out of 10 North Carolina residents who enrolled in 2019 receiving help to pay their premiums.

## OPEN ENROLLMENT

**NOVEMBER 1, 2020  
THROUGH  
DECEMBER 15, 2020**

**855.733.3711  
NCNavigator.net**

To book an appointment with a navigator please call 855.733.3711, or visit [NCNavigator.net](https://www.ncnavigator.net).

If you have missed the open enrollment window, we may still be able to help you enroll via a Special Enrollment Period (SEP). Visit our website or call 855.733.3711 to find out more.

## WE NEED YOU!

Your contribution allows us to help more low-income families experiencing critical civil legal problems.

COVID-19 is exacerbating the difficulties our clients face in areas such as housing, employment, public benefits, and domestic violence. The median income of LANC clients is less than \$15,000 a year.

If you have the means to support our work during this time of crisis, please visit [LEGALAIDNC.ORG/DONATE](https://LEGALAIDNC.ORG/DONATE) today to make a one-time or monthly donation securely online.

Or, make your check out to  
Legal Aid of North Carolina and mail it to:

Development Officer, Legal Aid of North Carolina  
PO Box 28741  
Raleigh, NC 27611



### ADDITIONAL OPTIONS FOR GIVING INCLUDE:

DONOR-ADVISED FUNDS  
MATCHING GIFTS  
ENDOWMENT GIFTS  
AMAZON SMILE  
CY PRES FUNDS

For more information, visit  
[LEGALAIDNC.ORG/DONATE](https://LEGALAIDNC.ORG/DONATE)  
or email our Director of  
Development, Megan Milner, at  
[MeganW@legalaidnc.org](mailto:MeganW@legalaidnc.org).

We also offer volunteer opportunities for lawyers and others who want to donate their time and talents to serve North Carolinians.

To learn more about Lawyer on the Line (LOTL), our Volunteer Lawyers Program, and more, visit us at [LEGALAIDNC.ORG/VOLUNTEER](https://LEGALAIDNC.ORG/VOLUNTEER).

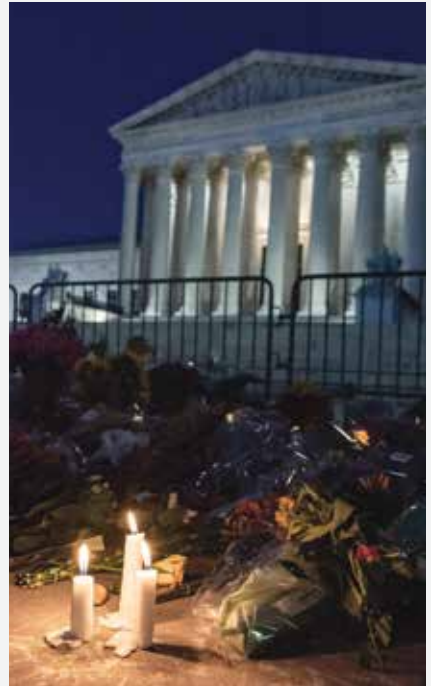
Necesitamos abogados que hablen español.

## Ruth Bader Ginsburg

### Mourning the Loss of a Champion of Gender Equality

As the architect of the legal fight for gender equality in the 1970s, Ruth Bader Ginsburg was a trailblazing attorney. She appeared before an all-male Supreme Court multiple times, persuading the justices case by case to begin recognizing the constitutional barriers against sex discrimination. She then became the second woman to serve on the Supreme Court in 1993. Her opinions reflect the view that sex discrimination hurts both men and women and that all people should be free from prescribed gender roles. Throughout her career, she worked to harness the Constitution to break down the structures the state employed to maintain separate spheres.

Ruth Bader Ginsburg died at home in Washington, DC, on September 18, 2020, at the age of 87.





**LEGAL AID**  
of NORTH CAROLINA



**LEGAL AID OF NORTH CAROLINA (LANC)  
IS FULLY OPERATIONAL DURING COVID-19.**

**Our 20 offices around the state are serving  
all 100 North Carolina counties.**

We are assisting low-income people with legal problems  
resulting from COVID-19 as well as in our general practice areas:

**HOUSING | CONSUMER | EMPLOYMENT  
PUBLIC BENEFITS | DOMESTIC VIOLENCE & SEXUAL ASSAULT**

Due to the pandemic, we anticipate continued mass unemployment, waves  
of evictions and foreclosures, rampant domestic violence, large  
numbers of consumer scams, and other critical legal problems. If you  
are in a position to support our work during this time of crisis,  
please visit <https://www.legalaidnc.org/give-help/donate>.

**NEED LEGAL HELP?**



**Toll-Free HELPLINE**  
**1.866.219.LANC (5262)**



**APPLY ONLINE**  
**[legalaidnc.org/apply](https://www.legalaidnc.org/apply)**