



## DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING

### Affordable Housing and Pro Bono

#### Habitat for Humanity Provides Valuable Pro Bono Opportunities

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Conscientious attorneys have long sought out opportunities to contribute legal services to the less fortunate in their communities, but often struggle to determine how their pro bono work can have the greatest impact for those in need and for the community in general. Habitat for Humanity provides a unique opportunity in many communities for lawyers to truly make a difference for families in need of shelter and neighborhoods in need of hope.

Habitat for Humanity is an ecumenical nonprofit organization with home ownership for low-income families as its mission. There are Habitat chapters around the world, including more than 1,400 affiliates in the United States. These affiliates have built more than 20,000 homes in this country.<sup>1</sup> The organization relies on donations from churches and other groups as well as individuals and businesses to build homes that are sold to families who contribute sweat equity as their down payment. The families are able to afford the new homes through a zero-interest loan.<sup>2</sup>

Attorneys who donate their services to a Habitat chapter have a high level of assurance that their work will lead to positive results. Habitat for Humanity enjoys an excellent reputation and support from both sides of the political aisle. Former President Jimmy Carter is an active volunteer for Habitat, and House Speaker Newt Gingrich has been seen wielding a hammer at Habitat building sites.<sup>3</sup> Congress has also acknowledged the success of Habitat. Although the organization does not rely on government funds for home construction, it does accept government funds for predevelopment work, and Congress recently appropriated funds designated for predevelopment costs for sweat-equity type home ownership programs, with Habitat as the primary target of the funds.<sup>4</sup>

In St. Louis, a thriving Habitat chapter has built fifty homes for low-income families and has plans for a dozen more this year. A wide range of legal work is required to support this level of development. A very active law committee has a lunch meeting every month during which volunteer lawyers and law students report on their work for Habitat and discuss resolution of problems which may arise. Ten to fifteen lawyers and students are usually in attendance. The meetings are held at the firm of Ziercher and Hocker where several dedicated attorneys donate hundreds of hours annually to Habitat. Howard Smith, a partner at the firm, is the president of the board of the local Habitat chapter. One of the chapter's co-general counsel, Jill Farmer, is currently an associate with the firm. The other co-general counsel, Tabor Burke, is an attorney with the St. Louis-based May Department Store Company. Even though all of the attorneys are volunteers, using a general counsel format helps solidify the reputation of the local Habitat chapter.

Other attorneys who are regular members of the committee include the general counsel of a major insurance company, lawyers in small family-run firms, lawyers in large downtown law firms, and solo practitioners. It is not only attorneys who practice real estate law who can and do contribute their services to Habitat. Often the local chapter needs the expertise of tax attorneys, probate experts, corporate attorneys, those who know employment law, experts in municipal law, and attorneys with experience in governmental relations.

In addition to reliance on fellow volunteers, Habitat lawyers can consult with the paid attorneys on staff at Habitat International in Americus, Georgia. The Habitat legal department has developed detailed legal manuals dealing with everything from fair housing issues to the smallest details of a deed of trust.<sup>5</sup> This legal backup ensures that the volunteer lawyers will not be required to deal with complicated matters alone.

A recent law committee meeting included a discussion of the St. Louis chapter's ReStore, which is a resale store for donated building supplies; a discussion of acquisition of new property, proposed revisions to closing documents, and governmental relations; and the usual discussion of routine real estate matters. The executive director of the local chapter, Darlene Rich, attends the monthly meetings and provides an update on the major projects of the chapter. She solicits the opinion of the members of the committee not just on legal matters, but sincerely welcomes discussion on matters of policy and strategy as Habitat strives to serve low-income families.

Although the dedicated Habitat volunteer lawyers do not seek any recognition or reward, they gain significant personal and professional benefits. Clearly the major reward is the satisfaction that comes from seeing low-income families become homeowners and from seeing the impact that Habitat has on new neighborhoods and formerly moribund communities.

Practicing attorneys who volunteer for Habitat in some locales also receive satisfaction from making a significant contribution to young law students. In St. Louis, for example, the Habitat Law Committee includes several students from Saint Louis University School of Law who handle various legal matters for the local Habitat chapter through their work in the school's housing and finance clinic. The students are often paired with the experienced attorneys on the committee, giving the student the benefit of the knowledge of the practicing professional, while giving the attorney the opportunity to help shape the legal career and public interest spirit of the student. Students have benefitted from their contacts with these lawyers in their job searches as they approach graduation.

In addition to these intangible rewards, lawyers often see professional benefits, albeit unsolicited, from their work with Habitat. The larger Habitat chapters publish newsletters and present fund-raising events in which volunteer lawyers are often acknowledged. The volunteer lawyers also benefit from being part of a network of civic-minded attorneys in their community.

;Although not the goal of any of the dedicated Habitat attorney volunteers, financial perquisites are available in some jurisdictions for those who work with this nonprofit agency. In some states Habitat can distribute state tax credits to attorneys donating professional time.<sup>6</sup>

Traditional pro bono theory calls on attorneys to handle litigation or administrative proceedings for a needy person, but often there is no considered effort to address the underlying social problems faced by the client. Assisting in the development of new homes that families can purchase can eliminate or prevent numerous legal problems such as repeated evictions or credit difficulties. The work of Habitat lawyers can have a much more permanent impact than other types of pro bono work.

I highly recommend that attorneys searching for meaningful pro bono opportunities seek out their local Habitat for Humanity chapter and offer their assistance. They will feel as satisfied in their pro bono work as the grateful families feel in their new homes.

## Endnotes

1. These statistics are current as of September 1997, and were obtained from the Habitat International office in Americus, Georgia, in an interview on February 10, 1998.
2. Students in the Law Clinic at Saint Louis University School of Law prepare the closing documents in connection with these transactions.
3. *See, e.g., Republicans Take Aim at Gender Gap*, Atlanta J. Constitution, Aug. 13, 1996, at 1A.
4. Self-Help Homeownership Opportunity Program, 22 U.S.C. § 12805 (Supp. 1997).
5. Each affiliate has a set of these manuals at its main office.
6. *See, e.g., Mo. Rev. Stat. § 32.100* (1994 and Supp. 1997).

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