

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Venkataraman/4-5382	

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### 1. BILL SUMMARY

**Legislation Title:** AN ORDINANCE relating to residential evictions; guaranteeing the right to legal counsel regardless of ability to pay for any residential renter in Seattle responding to an unlawful detainer suit; and adding a new Section 22.206.195 to the Seattle Municipal Code.

**Summary and background of the Legislation:** The City currently funds non-profits to provide counsel to any tenant in Seattle facing eviction or who is subject to unlawful detainer. This legislation creates a right for any tenant facing eviction to have the opportunity to retain counsel. Representation by counsel can improve the outcomes in eviction court for tenants.

### 2. CAPITAL IMPROVEMENT PROGRAM

**Does this legislation create, fund, or amend a CIP Project?** \_\_\_ Yes  No

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation amend the Adopted Budget?** \_\_\_ Yes  No

**Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.

For 2020, the City has funded the organization currently doing this work (the Housing Justice Project) at \$218,000. Depending on the continuation of the eviction moratorium and how the courts decide to handle the evictions currently not being filed, it may be necessary to fund HJP by another \$100,000 in 2020. To make the right to counsel effective long-term, the City will need to commit ongoing funding to attorneys equipped to represent tenants. The current cost assumptions estimate that it will take \$750,000 in a typical year to provide legal counsel to any tenant facing eviction. Assuming HJP continues to receive \$318,000 in ongoing funding, they may require up to an additional \$432,000 in 2022, either by using more existing ongoing funding for right to counsel than for other tenant services or through additional appropriation for this purpose in the 2022 budget.

## Is there financial cost or other impacts of *not* implementing the legislation?

Tenants with counsel fare better in eviction court than when unrepresented. If the legislation does not pass, and tenants continue to show up to eviction court without representation, there is a greater likelihood of increased housing instability and the potential for homelessness.

### 4. OTHER IMPLICATIONS

#### a. Does this legislation affect any departments besides the originating department?

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

The Seattle Department of Constructions and Inspections is tasked with contracting with attorneys qualified to represent tenants and educating tenants about their right to counsel.

#### b. Is a public hearing required for this legislation?

If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned/required in the future?

No

#### c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

No

#### d. Does this legislation affect a piece of property?

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

No

#### e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities. If any aspect of the legislation involves communication or outreach to the public, please describe the plan for communicating with non-English speakers.

Evictions fall disproportionately on women and people of color, especially on Black tenants in Seattle. Providing a right to counsel can help improve the outcomes for these tenants in eviction court.

#### f. Climate Change Implications

##### 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

Please provide a qualitative response, considering net impacts. Are there potential carbon emissions impacts of not implementing the proposed legislation. Discuss any potential intersections of carbon emissions impacts and race and social justice impacts, if not previously described in Section 4e.

No

##### 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

Describe the potential climate resiliency impacts of implementing or not implementing the proposed legislation. Discuss any potential intersections of climate resiliency and race and social justice impacts, if not previously described in Section 4e.

No

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

This answer should highlight measurable outputs and outcomes.

This legislation will create a right to counsel, requiring that the City fund a sufficient number of attorneys to staff the need for counsel. The goal is to ensure that any tenant facing eviction has the opportunity to retain counsel, and in so doing, improve their outcomes in eviction court, which will contribute to increased housing stability and decrease the risk of more tenants becoming homeless.

**List attachments/exhibits below:**