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**Title:** A RESOLUTION regarding a civil legal aid project with the King County Department of Public Defense and its scope of work for representation services.

**Sponsors:** Lisa Herbold

**Indexes:**

**Attachments:** 1. Summary and Fiscal Note, 2. King County Department of Public Defense Report on Collateral Consequence Attorneys, 3. Central Staff Memo (added 3/13/18), 4. Amendment 1 (added 3/13/18), 5. Amendment 2 (added 3/13/18), 6. Signed Resolution 31802, 7. Affidavit of Publication

Date	Ver.	Action By	Action	Result
3/19/2018	2	City Clerk	attested by City Clerk	
3/19/2018	2	City Council	adopted	Pass
3/13/2018	1	Civil Rights, Utilities, Economic Development, and Arts Committee	adopt as amended	Pass
3/12/2018	1	City Council	referred	
3/2/2018	1	Council President's Office	sent for review	
3/2/2018	1	City Clerk	sent for review	

CITY OF SEATTLE

RESOLUTION \_\_\_\_\_

A RESOLUTION regarding a civil legal aid project with the King County Department of Public Defense and its scope of work for representation services.

WHEREAS, civil legal aid has been a critical means for vulnerable populations in safeguarding their basic legal rights, navigating the intricacies of the justice system, and avoiding unanticipated collateral consequences to benefits, employment, housing, and other impacts to quality of life; and

WHEREAS, clients and public defenders may not fully understand the civil consequences of criminal convictions and plea agreements on housing, child and family issues, licensure, employment, public benefits, and other issues; and

WHEREAS, research studies by the Connecticut Bar Foundation, Chicago Bar Association, Illinois Bar

Foundation, State Bar of Wisconsin, and other organizations show that public investments in civil legal aid result in substantially reduced costs for other civic services such as emergency shelter, foster care, and legal assistance related to domestic violence, and curtails declines in workplace productivity and lost wages; and

WHEREAS, President Donald Trump sought to impose a dramatic cut in federal funding for civil legal aid in his 2018 proposed budget from \$385 million in 2017 to \$33 million, and again seeks to eliminate nearly all federal funding for civil legal aid in 2019; and

WHEREAS, nearly 58 million people in the United States met income eligibility for federally-funded legal aid at 125 percent of the federal poverty guideline last year, and according to the Legal Services Corporation's 2017 "Justice Gap Report," 71 percent of low income households nationwide experienced a civil legal problem in 2016; and

WHEREAS, the Revised Code of Washington (RCW 2.53.005) states that "[t]he provision of civil legal aid services to indigent persons is an important component of the state's responsibility to provide for the proper and effective administration of civil and criminal justice"; and

WHEREAS, according to the 2015 "Civil Legal Needs Study Update" commissioned by the Washington State Supreme Court, 71 percent of Washington State low-income households experience one or more civil legal problems each year; at least 76 percent of such households do not obtain legal assistance in resolving these problems; 65 percent of those who experience at least one civil legal problem do not seek help; and that people of color face higher rates of civil legal problems than the low-income population as a whole; and

WHEREAS, according to a 2017 study by Apartment List, one in five renters in the U.S. have had difficulty paying all or part of their rent within a three-month period, and an estimated 3.7 million American renters have experienced a formal eviction in their lifetime; and

WHEREAS, in 2016, with a median rental rate of \$1,448 a month, Seattle became the fifth most expensive city

in the nation for renters; and

WHEREAS, in 2017 the American Civil Liberties Union found that in King County African-American tenants are almost four times more likely to have an eviction case filed against them compared to white tenants; and that African-American women are more than five times as likely to have a filing against them compared to white men; and

WHEREAS, the 2015 “Civil Legal Needs Study Update” indicates that in Washington State rental housing issues comprise the leading problems for which low income people most often seek legal help; and

WHEREAS, landlords usually appear in housing court with counsel in eviction cases and tenants do not; and New York City became the first city to establish a right to counsel in housing cases to shift the balance of power by allowing tenants to achieve better outcomes in eviction cases, such as keeping evictions off their records, finding alternative housing, or avoiding eviction altogether; and

WHEREAS, the 2017 Apartment List study finds that Seattle from 2015 to 2017 had an eviction rate of 2.3 percent; and

WHEREAS, nearly 2,000 unlawful detainer actions were filed in Seattle in 2017; and

WHEREAS, research has identified dire economic, social, and psychological impacts of evictions on people and families, including but not limited to lasting poor health in children, depression among mothers, loss of employment, and homelessness; and

WHEREAS, the 2016 City of Seattle Homeless Needs Assessment survey found that 20 percent of its individual respondents identified housing affordability as the reason for their homelessness, with rent increases (11 percent), eviction (three percent), friends and family being unable to afford having the respondent stay (three percent), and foreclosure (three percent) as the primary causes; and

WHEREAS, the City of Seattle in 2017 budgeted over \$67 million to homelessness programs and the average cost to exit one household from basic emergency shelter to permanent housing in 2016 was as high as \$29,644; and

WHEREAS, according to studies by the City of New York and Stout Risius Ross, evictions in New York City result in annual homeless shelter costs between \$143 million and \$251 million;

WHEREAS, in addition to homelessness services, cities bear other costs associated with evictions including welfare provision, rent law and regulation enforcement, housing court use, and education and juvenile justice services; and

WHEREAS, the Seattle City Council appropriated civil legal aid funding for the King County Department of Public Defense (KC DPD) to hire civil legal aid attorneys tasked with providing civil legal advice in plea agreements to avoid collateral consequences; and

WHEREAS, the KC DPD civil legal aid attorneys provided civil legal advice for 297 clients since July 2017 and have successfully advised public defenders and clients in pursuing better outcomes involving collateral consequences including, but not limited to, proper enforcement of the Fair Chance Employment Ordinance, preservation of Social Security benefits, eviction prevention, management of legal financial obligations, obtaining protective orders against abusers, and education for non-citizens on legal rights; and

WHEREAS, the civil legal aid attorneys advised 71 clients on issues related to housing, which is the largest share of collateral consequence type among all collateral consequence types recorded for the project;

NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

The King County Department of Public Defense (KC DPD), using funding provided by the City, shall engage in legal representation services for indigent clients in accordance with the sections of this resolution.

Section 1. Legal Representation Services Scope of Work:

A. KC DPD civil legal aid attorneys shall provide direct representation services to clients only under the following circumstances:

- a. The client is indigent and has been referred to KC DPD by Seattle Municipal Court due

to a criminal charge;

- b. The client is not represented by a Conflict Attorney Panel attorney;
- c. The client is experiencing legal problems in one or more of the following areas:
  - i. evictions,
  - ii. housing discrimination,
  - iii. public benefits,
  - iv. matters involving no contact or protection orders, and
  - v. issues involving licensing, records, and legal financial obligations.
- d. The client's case meets the requirements enumerated in Section 3 of this resolution.

#### Section 2. Prioritization:

- A. Civil legal aid attorneys shall prioritize legal problems involving evictions in administering direct representation services.
- B. Civil legal aid attorneys shall prioritize the provision of direct representation services to communities most adversely impacted by racial inequity in the criminal justice system.

#### Section 3. Criteria for Direct Representation Services:

- A. Provision of direct representation services to clients shall be based on three factors, including the client's ability to represent themselves, the complexity of the case and attorneys' level of expertise, and departmental resources required to complete the representation.
- B. Direct representation for administrative advocacy may occur only with Managing Attorney approval, and direct representation for civil court advocacy may occur only with Public Defender approval. This approval process will ensure consistency in practice across the three divisions that are staffed with City-funded attorneys.

Section 4. Civil legal aid group. The Chair of the Civil Rights, Utilities, Economic Development, and Arts Committee shall explore sponsoring the creation of a civil legal aid coordination group comprised of

attorneys, service and housing providers, government, and other stakeholders. This group may consider policy developments such as a right to counsel for cases involving unlawful detainer actions, financial barriers curtailing renters' ability to file orders for limited dissemination, and other eviction-related issues. The Council shall also explore providing resources to KC DPD or another third party to provide practical and strategic coordination of civil legal aid support.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)