

Amendment 3

to

CB 120007 – Right to Counsel for Evictions

Sponsor: CP González

Adding an indigency standard to qualify for representation

Amend the following as shown:

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WHEREAS, New York City, Newark, Boulder, Baltimore, Cleveland, Philadelphia, and San Francisco have all enacted some form of “right to counsel” legislation for renters facing eviction; and

WHEREAS, to minimize as many barriers to access to counsel as possible while limiting access to those with financial obstacles, this ordinance would require tenants to qualify for representation due to indigency;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 22.206.195 is added to the Seattle Municipal Code as follows:

22.206.195 Right to legal counsel in eviction proceedings

A. Any tenant residing in Seattle who is named in an unlawful detainer suit under chapter 59.18 RCW has the right to legal counsel free of charge as set forth in this Section 22.206.195, regardless of the person’s ability to pay. if the tenant is indigent. For the purposes of this Section, a person is “indigent” who, at any stage of an unlawful detainer suit, is unable to pay the cost of counsel for representation in the unlawful detainer suit because the person’s available funds are insufficient to retain counsel. Any entity with which the City contracts for legal

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Date: March 29, 2021

Version: 1

representation provided under this Section is authorized to establish the process for determining and verifying a tenant's indigent status.

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Effect: This amendment would (1) establish that a person subject to an unlawful detainer action would qualify for representation if that person is indigent, (2) define indigent using the same standard established for the Office of Immigrant and Refugee Affairs through Ordinance 125296 for contracted representation in immigration matters, and (3) authorize legal service providers to establish the process for verifying a tenant's indigent status.