



Legislation Text

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IMMEDIATE ADOPTION

210767
ORIGINAL

ALD. COGGS, LEWIS AND JOHNSON

Resolution supporting tenant “Right to Counsel” representation for eviction proceedings in the Small Claims Court in the County of Milwaukee.

This resolution expresses support for civil legal representation for defendants in eviction proceedings.

Whereas, In 2019 there were 12,652 eviction filings in Small Claims Court that were filed against residents of the City of Milwaukee; and

Whereas, 5,333 of the 12,652 eviction filings against defendants living in the City of Milwaukee ended with an eviction judgement; and

Whereas, The impact of an eviction on a household unit has been well documented by numerous entities, including the United States Department of Health and Human Services, the Wisconsin Policy Forum, and Princeton professor Matthew Desmond in his book “Evicted: Poverty and Profit in the American City” which focused on eviction in Milwaukee; and

Whereas, A record of an eviction filing or an eviction judgement can prevent a tenant from accessing stable, affordable and safe housing in the future; and

Whereas, According to the United States Department of Health and Human Services, housing instability is one of the key social determinants of health; and

Whereas, Eviction or imminent threat of eviction causes housing instability; and

Whereas, Housing instability in households with children causes school instability and missed school days; and

Whereas, The Milwaukee County Small Claims Court data indicates eviction disproportionately impacts communities of color; and

Whereas; The Milwaukee County Small Claims Court data also indicates the ten neighborhoods with the highest eviction rates in the City of Milwaukee are 73 percent African American; with a 40 percent poverty rate; and

Whereas, The Supreme Court of the United States has terminated the Center for Disease Control’s eviction moratorium as of August 26, 2021; and

Whereas, 50 percent or more of landlords have legal representation in eviction court according to the Medical

College of Wisconsin Institute for Health Equity Division of Epidemiology; and

Whereas, Tenants are currently represented by counsel in roughly 3 percent of eviction cases, also according to the Medical College of Wisconsin Institute for Health Equity Division of Epidemiology; and

Whereas, The American University's Justice in Government Project, Improving Housing Outcomes, concluded that tenants with legal representation in eviction court were more likely to remain in their homes, receive more days to move, have a higher settlement rate and a lower trial rate; and

Whereas, Legal Aid Society of Milwaukee and The United Way of Greater Milwaukee and Waukesha County have worked together to form a program called Right to Counsel Milwaukee; and

Whereas, Milwaukee County has supported this program and the tenant Right to Counsel through official action (file 21-506); and

Whereas, The City of Milwaukee is participating in an Eviction Prevention Lab led by the National League of Cities and the Stanford Legal Design Lab with the goal of implementing proven models of eviction prevention from across the country; and

Whereas; Other government units that have instituted a Right to Counsel program, have saved millions of dollars annually and helped prevent homelessness for thousands of people; and

Whereas, Right to Counsel Milwaukee will increase the number of dedicated attorneys at Legal Aid Society of Milwaukee that are dedicated to eviction work; and

Whereas, The availability of legal counsel helps tenants understand the eviction court process which may be stressful and unfamiliar, and provide guidance through the various steps in court; and

Whereas, The City of Milwaukee seeks to support the project partners in their efforts to mitigate the deleterious impacts of eviction on as many renter households as possible; and

Whereas, Local and national research suggests a Right to Counsel program will accomplish the goal of reducing harm to households facing eviction; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee is in full support of a Right to Counsel program in the City of Milwaukee; and

Further Resolved, That the appropriate City Departments are authorized to work with Right to Counsel Milwaukee on the implementation and execution of this program, including executing documents necessary to support this initiative.

DCD:Amy.Turim.at

09/01/21/A