



## THE RIGHT TO COUNSEL FOR TENANTS FACING EVICTION: ENACTED LEGISLATION

### BACKGROUND

Even before COVID-19, there were over [3.6 million evictions filed every year](#), demonstrating the system has been in crisis for some time. And the stakes are severe because tenants who have been evicted don't just lose their immediate housing: they also face losses of mental and physical health, child custody, employment, educational attainment, and physical property. Those made homeless by eviction risk incarceration and criminal prosecution, and during COVID-19, evicted tenants face increased [exposure to the virus](#). In addition, [even a filing of eviction](#), regardless of the outcome, reduces housing opportunities and can remain on a tenant's record for years. These consequences are not experienced equally: Black female renters face eviction [twice as often](#) as white tenants. Yet when facing an eviction, on average [only 3% of tenants are represented, compared to 81% of landlords](#).

Tenant representation decreases the likelihood and overall impact of these consequences. **Here's just a sampling of what we know about the effectiveness of legal representation of tenants in eviction proceedings (there is more on [NCCRC's website](#)):**

- **Oklahoma** A [research brief](#) from Open Justice Oklahoma found tenant legal representation increased the odds of unit retention by 75%.
- **Massachusetts** In a recent statewide COVID eviction legal help project providing full representation to low-income tenants, 90% of cases closed resulted in positive outcomes, with 70% of tenants remaining in their homes and 20% of tenants having more time to find a place to live.
- **California** A [study](#) found that fully represented tenants stayed in their units three times as often as those receiving limited or no legal assistance. When tenants did have to move, fully represented tenants were given twice as long to do so.
- **Minnesota** A [study](#) out of Hennepin County found that represented tenants were twice as likely to stay in their homes, received twice as long to move if necessary, and were four times less likely to use a homeless shelter than those without counsel. 78% of represented tenants left with a clean eviction record, compared to 6% of unrepresented tenants.
- **Denver, CO** A [study](#) found that represented tenants remained in their homes 70-100% of the time, compared to 32% of unrepresented tenants. For unrepresented tenants, the dispossession rate was 43% (Denver Housing Authority cases) and 68% (private housing cases).
- **Overall** Stout LLC, a financial analysis company that has [produced extensive right to counsel reports for numerous cities](#), has consistently found that a right to counsel leads to more than 90% of tenants avoiding disruptive displacement.

In recognition of the interests at stake, effectiveness of counsel, power imbalance between landlords and tenants, and cost savings, **15 cities and 3 states** have enacted a right to counsel for tenants facing eviction in just the past four years, and the movement is still growing. Community organizers, such as [Right to Counsel NYC Coalition](#) and [the Democratic Socialists of America](#), have led this movement. Our organization, the [National Coalition for a Civil Right to Counsel \(NCCRC\)](#), supports the efforts of organizers, legal services organizations, policymakers, and other stakeholders by providing technical support, campaign guidance, research resources, and supportive testimony.

## EVICTION RIGHT TO COUNSEL ENACTED LEGISLATION: TABLE OF CONTENTS

### [Quick Reference Guide \(brief summary of all laws\)](#)

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[Philadelphia, PA \(2019\)](#)

[Boulder, CO \(2020\)](#)

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#### STATES

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**The information provided herein was last modified in May 2022.**

**This content is not legal advice.**

For additional resources and information about the right to counsel in eviction cases, and other civil legal areas, please visit the National Coalition for a Civil Right to Counsel at [www.civilrighttocounsel.org](http://www.civilrighttocounsel.org).

|  <b>RIGHT TO COUNSEL FOR TENANTS: ENACTED LEGISLATION, QUICK REFERENCE GUIDE</b> |  |                           |  |                                       |  |  |
|--|--|---------------------------|--|---------------------------------------|--|--|
| City / State   | Eligibility requirements?                                    | Admin. hearings?          | Affirmative proceedings?                             | Appeals?                              | Implementation (Phase in / roll out?)                        | Funding source   |
| <b>New York City</b><br>(2017)   | Income (200% or less FPL)                                    | Yes                       | No   | Yes                                   | Fully implemented across entire city                         | General revenue (\$166 million)                                    |
| <b>San Francisco</b><br>(2018)   | No   | Yes                       | No   | Not specified                         | Fully implemented across entire city and county              | General revenue (\$16 million)                                     |
| <b>Newark</b><br>(2018)  | Income (200% or less FPL)                                    | Yes                       | No   | No (except rent control bd decisions) | By 4/1/19, no phase in specified                             | General revenue (\$750,000) + private funding (unknown amt)        |
| <b>Cleveland</b><br>(2019)   | Income (100% or less FPL) + 1 child                          | No                        | No   | Not specified                         | Fully implemented across entire city                         | General revenue (\$300,000) + private (\$3 million)                |
| <b>Philadelphia</b><br>(2019)  | Income (200% or less FPL)                                    | Yes                       | Yes (specified proceedings)                          | Yes                                   | TBD managing director  | General revenue (\$3 million) + private (\$4.5 million over 3 yrs) |
| <b>Boulder</b><br>(2020)   | No   | Yes                       | No   | Yes                                   | Fully implemented across entire city                         | Rental license excise tax raised to \$75                           |
| <b>Baltimore</b><br>(2020)   | No (but low-income priority)                                 | Yes                       | Yes (specified proceedings)                          | Yes                                   | Phase in over 4 years  | Federal (\$2.5 million CDBG-CV)                                    |
| <b>Seattle</b><br>(2021)   | Indigency (unable to pay counsel costs)                      | No                        | No   | Not specified                         | Not specified  | General revenue (\$750,000)  |
| <b>Louisville</b><br>(2021)  | Income (125% or less FPL) + 1 child                          | No                        | No   | Not specified                         | Not specified  | Federal (\$400,000 ERAP)   |
| <b>Denver</b><br>(2021)  | Income (80% or less of AMI)                                  | Yes                       | No (but "functional equivalent" of eviction covered) | Yes                                   | Not specified  | Federal (\$2.7 million ARPA)                                       |
| <b>Toledo</b><br>(2021)  | Income (200% or less FPL)                                    | No                        | No   | Yes                                   | Phase in over 5 years  | General revenue (\$1.25 million over 5 years)                      |
| <b>Minneapolis</b><br>(2021)   | No (program director can change)                             | Yes (pgm dir. can change) | No   | Yes (pgm dir. can change)             | TBD by program director + designated org.)                   | Not yet determined   |
| <b>Kansas City</b><br>(2021)   | No   | No                        | No   | Yes (where appropriate)               | Implemented by June 2022                                     | Unknown source (\$2.5 million)                                     |
| <b>New Orleans</b><br>(2022)   | No   | Yes                       | Yes (seeking injunctive relief for illegal eviction) | Yes (where appropriate)               | Implementation regulations due within 60 days of passage     | Federal (\$2 million ERAP)   |
| <b>Detroit</b><br>(2022)   | Income (200% or less FPL)                                    | Yes                       | No   | Yes                                   | Program launches on October 1, 2022; phase-in not specified  | Federal (\$6 million ARPA) + private (\$12 million over 3 years)   |
| <b>Washington</b><br>(2021)  | Indigency (200% or less of FPL or receiving pub. assistance) | No                        | No   | Not specified                         | Within 12 mo. of enactment                                   | General revenue (\$11 million)                                     |
| <b>Maryland</b><br>(2021)  | Income (50% or less of state's area median income)           | Yes                       | No   | Yes                                   | Not specified  | Abandoned property fund (\$14 million)                             |
| <b>Connecticut</b><br>(2021)   | Income (80% or less of state's area median income)           | Yes                       | No   | Not specified                         | Phase in priorities, no deadline. Rollout began in Jan 2022. | Federal (\$20 million FRF)   |

| STATE / CITY   | SCOPE / ELIGIBILITY  | ADDITIONAL INFORMATION   | IMPACT   |
|--|--|--|--|
| <b>RIGHT TO COUNSEL FOR TENANTS: LOCAL ENACTMENTS</b>  |  |  |  |
| <p><b>NEW YORK CITY</b><br/>(2017)</p> <p>Ordinance Text:<br/><a href="#">Local Law 136</a></p> <p>Developments: <a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> Covers any summary proceeding in housing court to evict a covered individual, and New York City Housing Authority (NYCHA) administrative proceedings to terminate tenancy.</p> <p><b>Covered individuals:</b> All respondents in covered proceedings have access to brief legal assistance. Tenants with income that is 200% or less of the Federal Poverty Level (FPL) are eligible for full legal representation. All NYCHA tenants receive access to legal services, defined as brief legal assistance or full legal representation.</p> <p><b>Timing of Representation:</b> Legal assistance available no later than 1<sup>st</sup> scheduled appearance.</p> | <p><b>Program Title:</b> “<a href="#">Universal Access to Legal Services</a>” / “Right to Counsel”</p> <p><b>Implementation:</b> Fully implemented. Prior to the passage of this law, NYC began funding legal services for tenants facing eviction more substantially. The local law was implemented in 2017. The program is coordinated by the <a href="#">Office of Civil Justice</a> (a new agency created under Human Resources Administration), and the coordinator is permitted to promulgate rules to effectuate the law. A 2021 amendment made implementation citywide as of 6/1/21.</p> <p><b>Funding:</b> General revenue. Administration funding in FY2022 is approximately \$166 million.</p> <p><b>Service Providers:</b> Designated organizations can be non-profits only.</p> <p><b>Expansion:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Int. 1529-A</a> (enacted): requires the Office of Civil Justice coordinator to work with community groups in educating tenants about their rights in housing court</li> <li>• <a href="#">Int. 2050-A</a> (enacted): required implementation of access to legal services for tenants facing eviction proceedings in housing court citywide by 6/1/21</li> </ul> | <p><a href="#">Year Four Report</a> findings:</p> <ul style="list-style-type: none"> <li>• 71% of tenants are now represented in housing court and 84% of represented tenants were able to remain in their homes</li> <li>• 66% of NYCHA tenants were represented in administrative termination of tenancy proceedings and 100% of tenants represented in these proceedings were allowed to remain</li> <li>• Marshal evictions have declined 41% since 2013 when tenant representation funding began</li> <li>• Filings declined by approximately 30% between 2013 and 2019</li> </ul> <p><b>Reporting:</b> A written annual report is required and must include:</p> <ul style="list-style-type: none"> <li>• number of tenants of buildings operated by NYCHA that received legal services disaggregated by specific characteristics</li> <li>• outcomes of the proceedings immediately following legal services provision</li> <li>• expenditures for the program</li> </ul> <p><a href="#">Report archives are available online</a></p> |
| <p><b>SAN FRANCISCO</b> (2018)</p> <p>Ballot Initiative Text:<br/><a href="#">Prop F</a></p>   | <p><b>Covered proceedings:</b> Covers evictions in court and administrative cases (subsidy terminations) in San Francisco city and county.</p>   | <p><b>Program Title:</b> Tenant Right to Counsel (TRC) (Ballot: <a href="#">No Eviction Without Representation Act</a>)</p> <p><b>Implementation:</b> City and County of San Francisco are required to establish, run, and fully fund the program. Coordinated by the</p>  | <p>From a <a href="#">hearing</a> convened by City Supervisor Dean Preston in February 2020:</p> <ul style="list-style-type: none"> <li>• 10% decrease in the filing rate from 2018 to 2019</li> </ul>   |

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| <p>Developments: <a href="#">NCCRC Website</a></p>   | <p><b>Covered Individuals:</b> No income limit; no other eligibility criteria to receive services. Does not apply to owner-occupied units.</p> <p><b>Timing of representation:</b> Full-scope legal representation is available 30 days after service of an eviction notice or upon service of unlawful detainer complaint (whichever is first). Representation continues until case withdrawal, case dismissal, or entry of judgment.</p>  | <p>Mayor’s Office of Housing and Community Development. Must be implemented within 12 months of enactment. Implementation began in 2019, but the program was not fully funded until 2021. Currently the program is fully implemented across city and county.</p> <p><b>Funding:</b> General revenue. \$16 million was allocated in 2021.</p> <p><b>Service Providers:</b> 10 legal services providers (non-profits), with <a href="#">Eviction Defense Collaborative</a> serving as the lead agency for design and implementation.</p>   | <ul style="list-style-type: none"> <li>• Of 2/3 of tenants receiving full-scope representation at this point, 67% stay in their homes (including 80% for Black tenants)</li> <li>• 85% of those receiving counsel are extremely low or low income (despite no income limit)</li> </ul> <p><b>Reporting:</b> No annual report specified.</p>   |
| <p><b>NEWARK</b><br/>(2018)</p> <p>Ordinance Text<br/><a href="#">Ord. No. 6PSF-I 12-19-2018</a> (amended in 2019 and 2021)</p> <p>Developments: <a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> Eviction proceedings and administrative/ grievance hearings with public housing and/or public agencies that provide rental assistance after agency has taken some action (including termination of or notice of termination of subsidy) that adversely affects a tenant's rights, duties, welfare, or status and could result in eviction. After 2021 amendment, also includes appeals of rent control board decisions that adversely affect tenant’s rights, ability to pay rent, or otherwise retain occupancy.</p> <p><b>Covered individuals:</b> Income is 200% of FPL, residing in the city of Newark and “either facing eviction or some action by a governmental assistance-providing agency (including termination/ notice of termination of subsidy) that adversely affects a tenant's rights, duties, welfare or status and could result in eviction, and whose case poses no conflict of interest to the city.” According to the <a href="#">Office of Tenant Legal Services</a> (“OTLS”), there is an “income exception” for applicants who are “age 60 or older and infirm.”</p> <p><b>Timing of Representation:</b> Access to full legal representation no later than first scheduled appearance, or as soon thereafter as is practicable.</p> | <p><b>Program Title:</b> Office of Tenant Legal Services program (no specific name).</p> <p><b>Implementation:</b> Passed by Newark City Council, with a "Declaration of Emergency." Established the <a href="#">Office of Tenant Legal Services</a> (“OTLS”) under the Department of Economic and Housing Development. After a 2021 amendment, “provision of legal services” includes a referral to the Law Department for appointment of an attorney from a Designated Organization independent of the Office of Tenant Legal Services program, to provide free legal representation for covered proceeding.</p> <p><b>Funding:</b> There is currently <a href="#">\$750,000 in City funding</a>. The ordinance specifically provides “if authorized by State and Federal law, the creation of a Landlord Tenant Fund, to receive funds to be used exclusively to provide legal defense services to Newark tenants facing eviction.” Additionally, an unspecified amount of funding is being provided by <a href="#">Victoria Foundation and Santander Bank</a>.</p> <p><b>Service providers:</b> Allows non-profit + for profit legal services providers. <a href="#">Amended in September 2019</a> to expand pool of eligible providers.</p> <p><b>Expansion:</b> <a href="#">Amended in August 2021</a> as a result of a lawsuit filed against the city clerk and Municipal Council to expand the definition of “covered proceeding” and to add a new subsection “(c)” to Provision of Legal Services”, as described earlier.</p> | <p>In 2020, OTLS reported that 33% of its representd cases had been dismissed, while another 23% had been settled (either with no moveout or extra time to move).</p> <p><b>Reporting:</b> Annual report required should include:</p> <ul style="list-style-type: none"> <li>• number of covered individuals</li> <li>• number of individuals currently receiving legal services and the actual number of individuals who received legal services for the prior year disaggregated by the specific characteristics</li> <li>• outcomes immediately following the provision of full legal representation</li> <li>• number of non-payment and holdover petitions filed in Landlord-Tenant Court</li> <li>• number of warrants of removal served by landlords</li> </ul> <p>The <a href="#">current report</a> includes number of tenants served but not outcomes data.</p> |

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| <p><b>CLEVELAND</b><br/>(2019)</p> <p>Ordinance text:<br/><a href="#">Ord. No. 1001-2019</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> Any proceeding in Cleveland Municipal Court, Housing Division ("Housing Court") to evict, eject, or terminate the tenancy of a covered individual.</p> <p><b>Covered individuals:</b> Eligible if up to 100% of the FPL + occupies dwelling with at least 1 child. Designated orgs must "...provide high quality, full legal representation in accordance with ABA standards, unless the individual is ineligible, there is a conflict of interest, or other circumstances make full legal representation infeasible to render."</p> <p><b>Timing of Representation:</b> Covered individuals have access to legal services in a covered proceeding as soon as possible after proceeding initiation and no later than 1<sup>st</sup> scheduled appearance.</p>  | <p><b>Program Title:</b> Right to Counsel – Cleveland (RTC-C)</p> <p><b>Implementation:</b> Fully implemented across entire city as of July 2020. Program is administered by a "lead partner organization" (LPO) (currently the United Way of Greater Cleveland) and designated organizations provide the representation. Collaboration between the Cleveland City Council, Legal Aid, United Way of Greater Cleveland, and Legal Aid's Housing Justice Alliance.</p> <p><b>Funding:</b> \$300,000 of general revenue plus \$3 million in "bridge" funding from the <a href="#">United Way of Greater Cleveland</a> to help launch the program.</p> <p><b>Service providers:</b> Designated organizations can be non-profits or an entity TBD.</p>  | <p>According to the <a href="#">2020 Annual Report</a> (which documented the first 6 months of implementation from July to December 2020), of tenants who were represented:</p> <ul style="list-style-type: none"> <li>• 93% avoided eviction or involuntary move</li> <li>• 83% who were seeking additional time to move were able to get it</li> <li>• 89% of those seeking to mitigate damages were able to do so</li> </ul> <p><b>Reporting:</b> Designated organizations report to LPO quarterly. LPO must issue an annual report including:</p> <ul style="list-style-type: none"> <li>• number of covered individuals served</li> <li>• extent of legal services performed</li> <li>• metrics evaluating outcomes</li> <li>• projected budgeting needs for full representation to all covered individuals</li> <li>• summary of the engagement and education of tenants.</li> </ul> |
| <p><b>PHILADELPHIA</b> (2019)</p> <p>Ordinance Text:<br/><a href="#">Bill No. 190386</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p>     | <p><b>Covered proceedings:</b> Any judicial or administrative proceeding to evict or terminate the tenancy or housing subsidy; any proceeding deemed by a designated org. as the functional equivalent of such a proceeding; any first appeal of such proceeding; any judicial or administrative proceeding to remedy a violation of the Philadelphia Fair Housing Ordinance, or Prohibition Against Unlawful Eviction Practices.</p> <p><b>Covered individuals:</b> Covers tenants, including those in housing authority, whose annual gross income does not exceed 200% of the FPL. Full legal representation for all covered individuals is required unless it is infeasible.</p> <p><b>Timing of Representation:</b> All covered individuals receive "full legal representation" (as defined) as soon as possible after initiation of proceeding, notice of intended proceeding, or when designated organization determines</p> | <p><b>Program Title:</b> Legal Representation in Landlord Tenant Court / Philadelphia Eviction Prevention Program (PEPP)</p> <p><b>Implementation:</b> Coordinated by a mayoral office which oversees health and human services; ordinance provides for a "Managing Director" who has authority to promulgate, or delegate promulgation of, rules related to the program. Phase-in process set out by Managing Director; only effective once Managing Director certifies they are "prepared to spend appropriations to fund such legal representation." Full Legal Representation "may be prioritized by reasonable standards as provided by regulation" if projected need exceeds funds.</p> <p><b>Funding:</b> In June 2021, the <a href="#">City committed \$3 million</a> of general revenue to the Eviction Prevention Program. In 2021 <a href="#">JP Morgan committed \$1.5 million over 3 years</a> to Community Legal Services, which will help fund advocacy (but not direct services) around eviction alternatives, right to counsel, and eviction record screening protections.</p> | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> Annual written report required and must include:</p> <ul style="list-style-type: none"> <li>• number of covered individuals served</li> <li>• extent of full legal representation performed</li> <li>• metrics evaluating outcomes</li> <li>• summary of the engagement and education of tenant</li> </ul>  |

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|   | <p>that a proceeding should be initiated. Must begin no later than first scheduled appearance.</p>  | <p><b>Service Providers:</b> Designated orgs. can be non-profits only. Includes provision for community group involvement for tenant outreach, engagement, and education.</p>   |   |
| <p><b>BOULDER</b><br/>(2020)</p> <p><a href="#">Ordinance 8412</a><br/>(Ballot Initiative)</p> <p>Developments:<br/><a href="#">NCCRC Website</a></p> | <p><b>Covered Proceedings:</b> Evictions, counterclaims related hereto, Section 8 terminations, and appeals from the foregoing. Full representation includes appearances in alternative dispute resolution proceedings.</p> <p><b>Covered Individuals:</b> No income limit or other eligibility requirements (tenant must be a respondent or have standing to be a respondent).</p> <p><b>Timing of Representation:</b> Legal representation is available immediately after service of notice to quit, demand for possession, or a notice of Section 8 housing assistance termination. Lasts until notice or complaint is withdrawn, proceedings are dismissed or concluded, or final judgment entered.</p> | <p><b>Program Title:</b> No Evictions Without Representation (NEWR).</p> <p><b>Implementation:</b> Fully implemented across the entire city. City establishes, runs, and fully funds the program to “provide legal representation and / or rental assistance.” City Manager is responsible for full implementation as soon as practicable but no longer than 12 months after effective date. If state or federal program provides representation in eviction, City has no obligation to provide legal services. Tenants’ Committee is formed (\$1,000 stipend annually), and the role of a “Tenants’ Legal Services and Assistance Coordinator” is created to serve at the pleasure of the City Manager.</p> <p><b>Funding:</b> Program is funded by increasing the “Rental License Excise Tax” to \$75, which is attached to each dwelling unit that is not exempt from rental licensing requirements.</p> <p><b>Service providers:</b> Legal services providers can be nonprofits, private law firms, and private attorneys.</p> <p><b>Notice:</b> Landlord must give written notice of right to legal representation and how to access it.</p> | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> Annual report required including:</p> <ul style="list-style-type: none"> <li>• estimated number of individuals who experienced a covered proceeding</li> <li>• number of individuals who received legal representation disaggregated by specific characteristics</li> <li>• outcomes immediately following the provision of full legal representation</li> <li>• orders for possession filed in county court</li> <li>• writs of restitution issued in county court in forcible entry and detainer proceedings</li> <li>• residential evictions conducted by the county sheriff</li> </ul> |

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| <p><b>BALTIMORE</b><br/>(2020)</p> <p>Ordinance Text:<br/><a href="#">Ord. 20.465</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> Covers any judicial or administrative proceeding to evict, terminate tenancy, terminate subsidy, functional equivalent of such a proceeding, any first appeal, and proceedings to remedy the violation of sections of the rent escrow law (including landlord retaliation / non-compliance with the lease) or real property law related to self-help eviction</p> <p><b>Covered individuals:</b> No income limitation. Covered individual is defined as any individual who occupies a dwelling in Baltimore under a claim of right other than the owner and includes tenants of the Baltimore City Housing Authority. The ordinance includes a priority based on income level with individuals with the lowest median income receiving the highest priority. Individuals shall receive legal representation unless circumstances make it infeasible (such as conflict of interest).</p> <p><b>Timing of Representation:</b> Legal representation offered as soon as practicable after the initiation of the proceeding but no later than the first appearance.</p> | <p><b>Program Title:</b> Tenant’s Right to Counsel in Eviction Cases</p> <p><b>Implementation:</b> Commissioner of the Department of Housing and Community Development oversees the program with input from the Baltimore City Affordable Housing Trust Fund Commission. This includes the authority to promulgate rules and regulations to carry out the program. Legal representation is to be phased in over a period of 4 years, taking into consideration specific factors set out in the ordinance including prioritization of certain individuals, availability of funding, availability of lawyers, scope of the need, and other specific logistical considerations.</p> <p><b>Funding:</b> \$2.5 million in federal CDBG-CV dollars provided through the CARES Act.</p> <p><b>Service providers:</b> Designated organizations can be nonprofit only. Ordinance includes provisions for community groups to conduct outreach, engagement, and education.</p> <p><b>Notice:</b> Landlord must provide the tenant notice of the right to representation as part of required disclosures.</p> | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> Annual written report is required to the Mayor and the City Council. Must include:</p> <ul style="list-style-type: none"> <li>• number of covered individuals served</li> <li>• extent of legal representation performed</li> <li>• metrics on evaluating outcomes</li> <li>• engagement and education of tenants</li> </ul> |
| <p><b>SEATTLE</b><br/>(2021)</p> <p>Ordinance Text:<br/><a href="#">Ord. # 126301</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> Unlawful detainer suits under Ch. 59.18 RCW.</p> <p><b>Covered individuals:</b> Covers all indigent tenants in Seattle named in an unlawful detainer suit. Indigency is defined as “at any stage” of the unlawful detainer action, the tenant is unable to pay the cost of counsel because available funds are insufficient to retain counsel. Entities with which the City contracts to provide legal representation are authorized to establish the process to determine and verify indigency.</p> <p><b>Timing of Representation:</b> Legal representation shall be made available upon</p>   | <p><b>Program Title:</b> Right to Legal Counsel in Eviction Proceedings</p> <p><b>Implementation:</b> Director will contract with attorney organizations. Department is not specified but likely to be the Seattle Department of Construction and Inspections since they will oversee tenant education on right to counsel and have contracted with the Housing Justice Project since 2018 to provide legal support to renters.</p> <p><b>Funding:</b> \$750,000 of general revenue.</p> <p><b>Service providers:</b> Legal representation is done by agencies contracted by the City who have experience, location near the King County Courthouse, and ability to provide services in multiple languages. The ordinance specifies the partnership the Seattle</p>  | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> No annual report requirement specified. Only required reporting is for the contracted attorney organization to report the number of cases and attorney hours spent on court proceedings beyond or in lieu of representation.</p>   |



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|  | <p>the person’s request as soon as practicable after service of summons and lasts until withdrawal, dismissal, or judgment entry.</p>  | <p>Department of Construction and Inspections and the Housing Justice Project.</p> <p><b>Notice:</b> Owners must include right to counsel in required notices and failure to do so is a defense to eviction.</p>   |  |
| <p><b>LOUISVILLE</b><br/>(2021)</p> <p>Ordinance Text:<br/><a href="#">No. O52, Series 2021</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> Covers any proceeding in Jefferson County District Court, Eviction Court, to evict, eject, or terminate eligible tenant’s tenancy.</p> <p><b>Covered individuals:</b> Any tenant with at least 1 child, whose annual gross income does not exceed 125% of FPL. (Children are not to be named as defendants). Designated organization must provide full legal representation unless conflict of interest or other circumstances make full legal representation infeasible.</p> <p><b>Timing of Representation:</b> Eligible tenants receive legal services (defined as full legal representation and brief legal assistance) as soon as possible after initiation of proceeding but no later than 1<sup>st</sup> scheduled appearance.</p> | <p><b>Program Title:</b> Limited Legal Representation to the Indigent in Eviction Court (no specific name).</p> <p><b>Implementation:</b> Creates a lead partner organization (LPO), which is to be an agency under the Office of Resiliency and Community Services or the Office of Housing (or other agency) with capacity to establish and implement the program. Such LPO has authority to enter contracts with designated org. to provide representation. LPO must establish and administer a program to provide eligible tenants with brief legal assistance when full legal representation is not possible.</p> <p><b>Funding:</b> The program is initially funded with \$400k in federal Emergency Rental Assistance funds appropriated for the Office of Resilience and Community Services (\$310k specifically to Legal Aid Society, and \$90k to Coalition for the Homeless).</p> <p><b>Service providers:</b> Designated organizations can be non-profit that either provide legal services (names Legal Aid Society specifically) or conduct social services and other outreach. Ordinance specifically provides for ability to enter contracts for non-legal social services work and outreach work related to evictions and homelessness.</p> | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> Quarterly written report from a designated organization to the LPO is required. Annual written report by LPO to Council is required and must include:</p> <ul style="list-style-type: none"> <li>• number of covered individuals served</li> <li>• extent of legal services performed</li> <li>• metrics evaluating outcomes</li> <li>• projected budgeting needs for full representation of all covered individuals</li> <li>• summary of engagement and education of tenants</li> </ul> |
| <p><b>DENVER</b><br/>(2021)</p> <p>Ordinance Text:<br/><a href="#">File No. 21-0529</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p>         | <p><b>Covered proceedings:</b> All judicial and administrative proceedings related to a tenant facing eviction, civil claim for monetary damages for nonpayment, proceeding deemed by designated organization as the functional equivalent of such a proceeding, appeals, any action by gov’t agency to terminate subsidy or otherwise adversely affect tenant’s rights, duties, welfare, or status.</p> <p><b>Covered individuals:</b> Tenants seeking access to legal services including those of Denver Housing Authority, with income equal to or less</p>   | <p><b>Program Title:</b> Right to Counsel / Bill: “Eviction Legal Defense Bill.”</p> <p><b>Implementation:</b> City is to provide funding, subject to appropriations and oversee the procurement and selection process of designated organizations. Executive director of the Department of Housing Stability has authority to promulgate rules and regulations for administration and implementation.</p> <p><b>Funding:</b> \$2.7 million in federal American Rescue Plan Act funding.</p> <p><b>Service providers:</b> Designated organization can be any entity with capacity to provide legal representation.</p>   | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> Annual report required (first one due 15 months after contracts with designated organizations are executed). Annual report must include:</p> <ul style="list-style-type: none"> <li>• number of covered individuals served or denied services</li> <li>• description of legal representation performed and cost per case</li> </ul>   |

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|   | <p>than 80% of Area Median Income (AMI). Priority for covered individuals with the lowest AMI.</p> <p><b>Timing of Representation:</b> Full legal representation available as soon as practicable after the initiation of a proceeding but no later than first scheduled appearance.</p>   | <p><b>Notice:</b> Landlord is required to provide written disclosures of the tenant’s rights and resources.</p> <p><b>Expansion:</b> Advocates have collected sufficient signatures for a ballot initiative that will go to the voters in 2022. Ballot initiative would guarantee counsel for all tenants regardless of income and create a new revenue stream funded through a new tax on rental properties.</p>  | <ul style="list-style-type: none"> <li>• income levels of covered individuals served and covered individuals who were denied service for income qualification</li> <li>• information that was voluntarily disclosed concerning demographics of individuals served</li> <li>• disposition or outcome data</li> </ul>   |
| <p><b>TOLEDO</b><br/>(2021)</p> <p>Ordinance Text:<br/><a href="#">No. 418-21</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p>          | <p><b>Covered proceedings:</b> Covers any proceeding in Toledo Municipal Court for the eviction or ejection of a tenant, termination of tenancy, or any appeal of such proceedings.</p> <p><b>Covered individuals:</b> Tenants whose annual gross income does not exceed 200% of FPL. Designated organization must seek to provide full legal representation unless ineligibility, conflict of interest, or other circumstances making full legal representation infeasible.</p> <p><b>Timing of Representation:</b> Tenants can receive “legal services” (defined to include full legal representation + brief legal assistance) as soon as possible after initiation of proceeding, no later than 2<sup>nd</sup> scheduled appearance.</p> | <p><b>Program Title:</b> Tenants’ Right to Counsel in Eviction Proceedings.</p> <p><b>Implementation:</b> Designated organization is charged with promulgating regulations and funding limits. There is a 5-year phase in period in the law, with potential for expansion.</p> <p><b>Funding:</b> Legal representation only effective once appropriation available for funding the program. \$250,000/year for 5 years was immediately appropriated for the program out of general revenue.</p> <p><b>Service providers:</b> Designated organizations are defined to be non-profits only. Ordinance provides for designated community groups to advertise in the media and engage and educate tenants on rights and resources. Ordinance specifically names Legal Aid of Western Ohio, Inc. as designated org. to assign itself or Advocates for Basic Legal Equality (or other organization) to provide legal services.</p> | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> Annual written report required and must include:</p> <ul style="list-style-type: none"> <li>• number of covered individuals served</li> <li>• extent of legal services performed</li> <li>• metrics evaluating outcomes</li> <li>• summary of the engagement and education of tenants</li> </ul>   |
| <p><b>MINNEAPOLIS</b><br/>(2021)</p> <p>Ordinance Text:<br/><a href="#">No. 2021-00654</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> Currently covers any proceeding to evict a covered individual including eviction actions, counterclaims, and appeals. The program director, “based on budgetary and resource availability and to maximize program effectiveness and impact, may modify or expand the proceedings to be covered by the program.”</p> <p><b>Covered individuals:</b> At present covers all tenants in city of Minneapolis, including those in dwellings required to be licensed under Ch. 244 (Maintenance Code) and those living in building operated by PHA. Eligibility</p>  | <p><b>Program Title:</b> Right to Counsel</p> <p><b>Implementation:</b> Sets up a program director, which is a role defined in the ordinance as either the director of the Civil Rights department, or their designee within that department or another appropriate city department.” The program director has “authority over the formation, necessary contracting, budgeting and administrative duties associated with the implementation and maintenance of the tenant right to counsel program established by this chapter, to the extent the program is and remains funded by the city or through other available and legal means.” The ordinance states that the “provision of legal services to covered individuals in covered proceedings shall occur on a schedule and in a manner agreed to by the program director and designated</p>   | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> Program director must prepare a written annual report including:</p> <ul style="list-style-type: none"> <li>• number of covered individuals served</li> <li>• extent of legal services performed</li> <li>• income limits, if any, set by the program director</li> <li>• number of covered individuals who did not receive legal services</li> <li>• other metrics evaluating outcomes and program performance</li> </ul> |

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|   | <p>requirements may change, as the ordinance specifically permits the program director “based on budgetary and resource availability and to maximize program effectiveness and impact” to establish additional requirements including income eligibility.</p> <p><b>Timing of Representation:</b> Eligible tenants are eligible to “receive access to legal services prior to their first scheduled appearance in a covered proceeding...and thereafter at all covered proceedings.”</p>  | <p>organization through the selection process.” The program director is required to consult and cooperate with the district court to maximize effectiveness, access to, and impact of the program.</p> <p><b>Funding:</b> Not yet funded.</p> <p><b>Service providers:</b> Designated organization can be one or more organizations, associations or persons who have been selected by the program director to provide legal representation (pursuant to contracting procedures). Does not have to be a nonprofit.</p> <p><b>Assistance:</b> Legal services is currently defined as “Ongoing legal representation and all legal advice, advocacy, and assistance associated with such representation...” but this can be modified or expanded by the program director, “based on budgetary and resource availability and to maximize program effectiveness and impact.”</p>   |  |
| <p><b>KANSAS CITY (2021)</b></p> <p>Ordinance Text: <a href="#">211067</a></p> <p>Developments: <a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> “any petition or complaint arising from a property located within the City of Kansas City filed by a property owner that demands removal of a tenant from the tenant’s current residence, including those seeking possession for the non-payment of rent, property, holdover, retaliatory evictions or proceedings for ejectment. Covered proceedings include cases filed in venues outside Kansas City, such as Independence, Liberty, Platte City, and Harrisonville, where the property at issue sits within Kansas City.”</p> <p><b>Covered individuals:</b> All persons legally occupying a rental unit (no income or other requirements).</p> <p><b>Timing of Representation:</b> Immediately after suit is filed.</p> | <p><b>Program Title:</b> Tenants’ Right to Counsel</p> <p><b>Implementation:</b> Housing and Community Development Department provides the Director of the program, and is advised / overseen by Tenants’ Right to Counsel Committee made up of 7 tenants. Director coordinates with service providers, works with courts on data sharing and notice to tenants, oversees signle-point-of-contact intake, and provides status reports.</p> <p><b>Funding:</b> Unknown source (\$2.5 million)</p> <p><b>Service providers:</b> must have “history of work on housing issues and tenant rights.”</p> <p><b>Assistance:</b> “Legal representation” is currently defined as “full-scope representation provided by a licensed attorney for a tenant in a covered proceeding. This includes all activity necessary to zealously represent tenants, including but not limited to, filing responsive pleadings where applicable, appearing on behalf of the tenant in court, and providing legal advice, advocacy, and assistance associated with such matters, and necessary fees and costs related thereto.”</p> | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> Program director must prepare a written annual report including:</p> <ul style="list-style-type: none"> <li>• number of covered individuals participating in covered proceeding;</li> <li>• number of covered individuals receiving legal representation, disaggregated by demographic data;</li> <li>• a variety of outcome metrics</li> </ul> |

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| <p><b>NEW ORLEANS</b><br/>(2022)</p> <p>Ordinance Text:<br/><a href="#">33,682 (amended)</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> any legal or administrative proceeding to terminate tenancy or housing subsidy, proceedings seeking injunctive relief related to illegal eviction, and appeals with good grounds.</p> <p><b>Covered individuals:</b> All tenants</p> <p><b>Timing of Representation:</b> Immediately after suit is filed.</p>  | <p><b>Program Title:</b> Tenant Eviction Assistance Program and Right to Counsel</p> <p><b>Implementation:</b> Office of Community Development Department administers program, develops regulations, and conducts performance reviews.</p> <p><b>Funding:</b> \$2 million in federal ERAP funding</p> <p><b>Service providers:</b> can be a person, law firm, nonprofit, or other entity based on competitive selection process.</p> <p><b>Assistance:</b> “Legal counsel” not defined.</p>   | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> Office of Community Development has to conduct review of:</p> <ul style="list-style-type: none"> <li>• number of covered individuals served;</li> <li>• household makeup;</li> <li>• Nature of legal proceeding;</li> <li>• Extent of legal representation provided;</li> <li>• Case dispositions.</li> </ul>           |
| <p><b>DETROIT</b><br/>(2022)</p> <p>Ordinance Text:<br/><a href="#">01614</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p>                | <p><b>Covered proceedings:</b> any proceeding to recover possession or any administrative proceeding threatening occupancy, including evictions, mortgage foreclosures, property tax foreclosures, land forfeiture proceedings, and threats to rent subsidies, plus appeals and proceedings to recover possession after illegal self-help eviction</p> <p><b>Covered individuals:</b> All tenants at 200% or below of the FPL</p> <p><b>Timing of Representation:</b> No later than first scheduled appearance “or as soon thereafter as is practicable and as scheduled by the Court.”</p> | <p><b>Program Title:</b> Right to Counsel in Eviction Proceedings</p> <p><b>Implementation:</b> Oversight by the Coordinator of the Office of Eviction Defense, assigned to Housing and Revitalization and Development Department. Director of the Department promulgates procedural administrative rules.</p> <p><b>Funding:</b> \$6 million in federal ARPA funding + \$12 million private funding over 3 years.</p> <p><b>Service providers:</b> Competitively procured nonprofit or other entity with capacity to provide services per standards of ABA Standards for Provision of Civil Legal Aid.</p> <p><b>Assistance:</b> Full legal representation, which includes “all legal advice, advocacy, court appearances, and assistance with such representation.”</p> | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b></p> <ul style="list-style-type: none"> <li>• .Number of people served, disaggregated by demographic information;</li> <li>• Outcomes: possession, signed order of eviction, extra time to vacate, executed orders, rent arrears reduction, repairs ordered, settlement details, retention of housing subsidy</li> </ul> |

**RIGHT TO COUNSEL FOR TENANTS: STATE LAWS**

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| <p><b>WASHINGTON</b><br/>(April 2021)</p> <p><a href="#">State Law text</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> Requires court to appoint counsel to an indigent tenant facing an unlawful detainer action under Chs. 59.18, 59.12 (Forcible Entry and Forcible and Unlawful Detainer) and 59.20 (Manufactured/Mobile Home Landlord-Tenant Act).</p> <p><b>Covered individuals:</b> Indigency requirement. “Indigent” is defined to include any person “who, at any stage of a court proceeding” is receiving one of the forms of public assistance as set out in the law or has an annual income, after taxes, of 200% of FPL. Priority to indigent tenants who reside in the counties with the most evictions and to indigent tenants who are disproportionately at risk of eviction.</p> <p><b>Timing of Representation:</b> Not specified.</p> | <p><b>Program Title:</b> Right to Counsel</p> <p><b>Implementation:</b> The program is administered by the Office of Civil Legal Aid (“OCLA”), which is an independent judicial branch agency. Ordinance outlines the requirements of OCLA about implementation in Sec. 9 of Ch. 59.18. An <a href="#">implementation plan</a> was released in July 2021. Utilizes the Eviction Defense Screening Hotline to determine income eligibility.</p> <p><b>Funding:</b> \$11 million in general revenue for FY22.</p> <p><b>Service providers:</b> OCLA can enter contracts with attorneys and agencies for legal services. State pays the costs of the legal services performed by the appointed attorney.</p> <p><b>Notice:</b> Non-payment notice requirements amended to provide information about right to representation.</p>   | <p><b>Data not available yet.</b></p> <p><b>Reporting:</b> No annual report requirement specified.</p> <p><b>Research / study component (in implementation plan not ordinance):</b> OCLA will use a research team from the Evans School to conduct a 2-year study of the RTC program.</p>  |
| <p><b>MARYLAND</b><br/>(May 2021)</p> <p><a href="#">State Law Text</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p>     | <p><b>Covered proceedings:</b> judicial and administrative proceedings to evict or terminate a tenancy or housing subsidy; first appeal of a decision in the proceeding (if designated organization determines that there are sufficient legal grounds).</p> <p><b>Covered individuals:</b> Covers tenants, including those in buildings owned, operated, or managed by a PHA, who are a “member of a household with an income that is not greater than 50% of the median income, adjusted for household size, in the State...”</p>   | <p><b>Program Title:</b> Access to Counsel in Evictions Program</p> <p><b>Implementation:</b> The Maryland Legal Services Corporation (MLSC) administers the program, as well as the “Access to Counsel in Evictions Special Fund” as described in the law. Law also creates an Access to Counsel in Evictions Task Force, which is required to evaluate the provision of legal services, study potential funding sources, and make recommendations for implementation improvement (including policy and statutory changes).</p> <p><b>Funding:</b> The law provides for an “Access to Counsel in Evictions Special Fund.” This fund can be used for activities provided by a designated organization and community group, services provided by a local jurisdiction which enacts a local program authorized by this law, MLSC administrative expenses, and expenses related to</p> | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> MLSC must submit annual report to the General Assembly. Report must include:</p> <ul style="list-style-type: none"> <li>• number of covered individuals provided legal representation during the previous calendar year</li> <li>• information on and metrics evaluating case outcomes</li> <li>• summary of the engagement and education of tenants</li> </ul> <p>Separate report required from the Access to Counsel in Evictions Task Force, to the Governor. This report publishes the Task Force’s</p> |

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|  | <p><b>Timing of Representation:</b> Access to legal representation is available ASAP after notice to terminate tenancy, initiation of an eviction proceeding, or designated organization determines that a proceeding related to a constructive eviction on behalf of a covered individual should be initiated. If feasible, legal representation begins no later than the first appearance.</p>   | <p>the study and evaluation of services provided for in this law and amount of funding necessary to fully effectuate the access to counsel in evictions proceedings. In 2022, Maryland's General Assembly enacted <a href="#">SB 662</a> and <a href="#">HB 571</a> / <a href="#">SB 279</a>, which provide \$14 million funding for the right to counsel through 2024 as well as set up an Eviction Defense Fund.</p> <p><b>Service providers:</b> Designated organizations can only be nonprofits. MLSC has authority to contract for all of part of the legal services required. MLSC will contract with community groups, defined as non-profit entities with capacity to conduct tenant outreach and provide engagement, education, and information.</p> <p><b>Notice:</b> The law requires the development of a rights pamphlet in multiple languages, as determined by MLSC, and requires sheriff to include pamphlet with service of process regarding eviction.</p>  | <p>findings and recommendations concerning its evaluation of service provision, including performance of designated organizations and community groups, potential funding sources, and how to improve implementation.</p>  |
| <p><b>CONNECTICUT</b><br/>(June 2021)</p> <p>State law text:<br/><a href="#">Public Act 21-34</a></p> <p>Developments:<br/><a href="#">NCCRC Website</a></p> | <p><b>Covered proceedings:</b> Notice to quit, summary process action instituted against a covered individual pursuant to Ch. 832 or Ch. 412, or any administrative proceeding to preserve a state or federal housing subsidy or prevent a proposed termination of the lease</p> <p><b>Covered individuals:</b> Covers all income-eligible residential tenants or occupants, including those in manufactured homes. Income eligibility is defined as household income at or below 80% of the state's median income (adjusted for size) at the time of representation OR receiving public assistance (as defined in the law)</p> <p><b>Timing of Representation:</b> Not specified.</p> | <p><b>Program Title:</b> Right to Counsel Program</p> <p><b>Implementation:</b> Launched in January 2022. Creates an "administering entity" to be contracted by (or a party to an agreement with) the Judicial Branch. Establishes a working group to advise on and effectuate the program with appointment procedure specified and requiring members to serve a 4-year term. The Department of Housing provides administrative support for the working group. The administering entity, in consultation with the working group and designated organizations, will establish the phase-in process taking into consideration specific information as outline in the law. Judicial Branch can also appoint additional housing mediators if funding provided.</p> <p><b>Notice:</b> Law requires development of a plain language notice to be attached by owner/landlord/agent to notice to quit, summons and complaint, lease, or subsidy termination notice. Court notice scheduling mediation or hearing will include information about RTC as well.</p> <p><b>Funding:</b> Administering entity is responsible for funding. The law allows the administering entity to receive funds or services from the state or federal government, corporations, associations, or individuals to fund legal representation, education and outreach, and costs of administration. The Governor has put \$20 million of ARPA Fiscal Recovery Funds into the program.</p> | <p><b>Data not yet available.</b></p> <p><b>Reporting:</b> Annual report (starting in January 2023) to joint standing committees of General Assembly is required. Report must include:</p> <ul style="list-style-type: none"> <li>• number of covered individuals provided legal representation</li> <li>• extent of legal representation provided</li> <li>• any outcomes achieved, such as the rates of tenant representation, tenant retention of housing or other appropriate outcome measures</li> <li>• engagement and education of tenants</li> </ul> |

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|  |  | <p><b>Service providers:</b> Designated organization is a nonprofit that meets specific requirements outlined in the law. A designated organization is authorized to contract with community organizations to provide legal representation and/or education and outreach.</p> |  |
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