

Summary
Board Bill Number 59
Introduced by Alderwoman Shameem Clark Hubbard
June 9, 2023

This proposed ordinance would establish a program providing access to legal representation for tenants facing eviction or equivalent proceedings; provide an appropriation for initial costs to begin the program; create the position of program coordinator in the Department of Human Services to implement and oversee the program; require the ongoing assessment of and oversight over the needs and outcomes of the program; provide that organizations providing legal representation under the program should work to provide the best possible outcome for a case; require property owners to provide tenants information regarding the availability of the program when terminating tenancy, and require the program coordinator to produce and make available to property owners materials for this use; and require that the program coordinator will work to engage and educate tenants and others about the program, including a severability clause, and an emergency clause.

BOARD BILL NUMBER 59 INTRODUCED BY ALDERWOMAN SHAMEEM CLARK-HUBBARD

COSPONSORS: PRESIDENT MEGAN GREEN

1 An ordinance related to the establishment of a Right to Counsel program for tenants
2 facing eviction or equivalent proceedings; the implementation, oversight, and annual reporting of
3 this program; the provision of legal representation for tenants under this program; and the
4 disclosure to tenants of certain information pertaining to this program, including a severability
5 clause, and an emergency clause.

6 **WHEREAS**, housing is a human right and the access to safe, secure, and accessible
7 housing is essential to achieving equal access to all other fundamental needs; and

8 **WHEREAS**, the right of an individual to access the Missouri court system, regardless of
9 income level, was established in Missouri prior to it becoming a state, was subsequently
10 guaranteed in the Bill of Rights of the state’s first constitution, and was reincorporated in the Bill
11 of Rights of the state’s current constitution, which currently provides in Article 1, Section 14,
12 that “the courts of justice shall be open to every person, and certain remedy afforded for every
13 injury to person, property or character, and that right and justice shall be administered without
14 sale, denial or delay”; and

15 **WHEREAS**, according to the City of St. Louis’ 2018 Equity Indicators Baseline Report,
16 “[e]victions are more than twice as prevalent among renters in majority-black census tracts than
17 among renters in majority-white census tracts,” and the report scores the City at only 39 out of
18 100 possible points for equity with respect to evictions; and

19 **WHEREAS, WHEREAS**, the 2018 report, Segregation in St. Louis: Dismantling the
20 Divide (citing Cambria N, Walker M., “As the Economy Improves, Evictions in St. Louis
21 Remain Stubbornly High,” St. Louis Post-Dispatch, October 16, 2016) states, “Evictions from

1 rental housing plague low-income families in the St. Louis region, particularly among poor,
2 African American communities. They post a red flag on an individual’s credit and rental history,
3 regardless of whether the circumstances behind the eviction were fair or not. Families facing
4 homelessness through evictions are typically forced into a secondary rental housing market of
5 substandard homes in areas of very low economic opportunity, poor transportation options, and
6 underperforming schools, all contributing to deepening poverty and inequity;” and

7 **WHEREAS**, the Segregation in St. Louis report states further, “What’s particularly
8 unsettling in St. Louis...is the lack of legal representation and housing counseling available to
9 tenants who must appear in eviction courts. In many cases, tenants...show up to court without a
10 lawyer.”

11 **WHEREAS**, according to the 2021 ACLU article, Tenants’ Right to Counsel is Critical
12 to Fight Mass Evictions and Advance Race Equity During the Pandemic and Beyond, “Securing
13 tenants’ right to counsel is one way...governments can take action to stop this impending mass
14 wave of evictions and keep people in their homes during the pandemic and beyond. Right to
15 counsel measures ensure that tenants who are facing the complex process of an eviction
16 proceeding are guaranteed legal representation — giving tenants a fair chance to access legal
17 protections and stay in their homes; ” and

18 **WHEREAS**, the National Coalition for a Right to Civil Counsel reports evaluations of
19 the effectiveness of the right to counsel for tenants have shown that fully represented tenants fare
20 significantly better in terms of unit retention and financial impact compared to unrepresented
21 tenants, such as: New York City, which enacted the right to counsel for tenants in 2017. 86
22 percent of represented tenants facing eviction remain in their homes, and eviction filings have

1 declined by 30 percent. Other locations reporting positive outcomes include San Francisco;
2 Philadelphia; Hennepin County, Minnesota; Massachusetts; and California

3 **BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

4 **SECTION ONE**

5 There is hereby appropriated the sum of \$285,000 of the Coronavirus Local Fiscal
6 Recovery Funds to the Department of Human Services (“DHS”) to establish and administer a
7 Right to Counsel program for residential tenants facing eviction in the City of St. Louis. The
8 Director of DHS, or their designee, is hereby authorized to make, negotiate, and execute any and
9 all contracts or other documents on behalf of the City to expend such funds, and to expend such
10 funds on behalf of the City for certain purposes substantially in accordance with the purposes
11 outlined herein. The Comptroller is authorized and directed to issue warrants upon the City
12 Treasurer for payment of all expenditures authorized in this Section provided that such warrants
13 do not exceed the total amount of fund appropriated by this Section.”

14 **SECTION TWO Definitions**

15 City means the City of St. Louis.

16 Coordinator means there shall be established within DHS a Tenant Legal Services Coordinator
17 who will administer and oversee the Program, including but not limited to all of the provisions in
18 Section Three of this Ordinance, as well as any necessary supporting positions.

19 Covered Individual means any residential tenant who occupies a dwelling located within the City
20 under a claim of legal right, other than the legal property owner of the dwelling.

21 Covered Proceeding means any judicial or administrative proceeding to evict or terminate the
22 tenancy or housing subsidy of a covered individual; any proceeding deemed by a Designating

1 Organization to be the equivalent of such a proceeding; any first appeal of such a proceeding,
2 including any judicial or administrative proceeding, if the Designated Organization deems there
3 is a meritorious case for appealing the decision of the judicial or administrative body; any civil
4 judicial action to secure relief for an extra-judicial eviction effectuated in violation of the City of
5 St. Louis Ordinance Number 70624 and § 441.233 of the Missouri Revised Statutes; any civil
6 judicial action to secure relief for an unlawful utility disconnection in violation of the City of St.
7 Louis Ordinance Number 70624; or other civil judicial or administrative actions as deemed
8 necessary by the Designated Organization to provide adequate and ethical representation and
9 defense to the Covered Individual.

10 Designated Organization means one (1) or more organizations, associations or persons that have
11 been selected, pursuant to required contracting procedures, by the City of St. Louis to provide
12 legal representation to covered individuals in covered proceedings.

13 Designated Community Group means a not-for-profit community organization or association
14 designated by the Coordinator and/or the Designated Organization that has the capacity to
15 conduct tenant outreach, engagement, education, and information regarding this ordinance.

16 Full legal representation means ongoing legal representation provided by a designated
17 organization to a covered individual, and all legal advice, advocacy, and assistance associated
18 with that representation, that is required to provide the best possible outcome for a particular
19 case. Where representation is provided subsequent to the filing of an eviction, “full legal
20 representation” includes the filing of a notice of appearance on behalf of the covered individual
21 in a covered proceeding. Full legal representation shall be provided by a lawyer licensed to
22 practice in the State of Missouri.

1 **SECTION THREE. Coordinator Responsibilities.**

2 1. The coordinator shall establish a program to provide access to full legal representation
3 in covered proceedings to covered individuals of the City to provide such individuals with access
4 to full legal representation as provided under this ordinance no later than July 1, 2024.

5 2. Subsequent to the first year the program operates, the coordinator shall estimate
6 annually the expenditures required for each year of implementation of the program described
7 herein and shall publish a summary to the Director of DHS of any changes to such estimates for
8 expenditures. The estimate of required expenditures shall be sufficient to enable designated legal
9 organizations to provide high quality assistance.

10 3. The coordinator shall annually review the performance of the program and the
11 designated organizations and shall submit a report to the Director of DHS, no later than
12 December 31st of each year. The report shall be posted on the city’s website and shall include
13 information from the prior fiscal year regarding:

- 14 a. the number of covered individuals served;
- 15 b. the extent of legal representation performed;
- 16 c. metrics on evaluating outcomes;
- 17 d. the engagement and education of tenants; and
- 18 e. instances of serial filings on the same individual or household at the same property, to the
19 extent such information is available.

20 **SECTION FOUR. General Provisions of Right To Counsel for Tenants In Covered**
21 **Proceedings.**

1 1. A covered individual may access legal representation as provided in this ordinance as
2 soon as a landlord provides notice to terminate or not renew a tenancy, or as soon thereafter as is
3 practicable.

4 2. Subject to provisions of this ordinance, including any rules and regulations, the
5 Coordinator shall develop an intake system to provide Covered Individuals with legal
6 representation from a Designated Organization in a Covered Proceeding as soon as practicable
7 after the Covered Individual's request for such services.

8 3. As provided under this ordinance, covered individuals shall receive legal
9 representation from their assigned Designated Organization unless a conflict with the Missouri
10 attorneys' rules of professional conduct make legal representation infeasible to render, as
11 determined by their assigned Designated Organization. The assigned Designated Organization
12 shall report such conflict to the Coordinator, who shall refer the case as soon as possible to
13 another Designated Organization.

14 4. A landlord serving a notice to terminate tenancy upon a tenant must simultaneously
15 provide written notification of the tenant's ability to access legal representation under the
16 program created by this ordinance and how to access it. The Coordinator shall design a notice
17 form providing this information and make it available for use by property owners for this
18 purpose.

19 **SECTION FIVE. Designated Organizations.**

20 1. Subject to appropriation, the Coordinator shall provide each Designated Organization
21 assigned pursuant to this Ordinance with fair and just compensation which will allow each

1 Designated Organization to provide high quality representation and legal work with appropriate
2 supervision, caseloads, and oversight of staff.

3 2. The Coordinator shall annually designate appropriate program caseload caps for
4 attorneys providing representation for the program.

5 3. Each Designated Organization shall report to the Coordinator the following
6 information, consistent with any contractual terms and deadlines set by any agreements between
7 the Designated Organization and Coordinator:

8 a. Number of covered individuals served;

9 b. Household makeup including age, race, gender, number of household members, income,
10 estimated length of tenancy, type of lease, receipt of public assistance at the time of
11 service;

12 c. Reason for covered proceeding;

13 d. Extent of legal representation provided;

14 e. Case dispositions; and

15 f. Instances where the attorney was discharged or withdrew.

16 **SECTION SIX. Implementation.**

17 1. There is established within DHS or its successor entity the Coordinator position to
18 implement and oversee the provision of counsel for individuals in covered proceedings;

19 2. Within sixty (60) days of the passage of this Ordinance, the City shall post the
20 Coordinator position to hire a qualified candidate.

21 3. No later than one-hundred and twenty (120) days after hiring the Coordinator, the
22 Coordinator shall develop and publish to the Director of DHS an administrative plan to

1 implement the program. The administrative plan shall include a strategy for increasing the
2 capacity of the program to meet the target caseloads identified in **Exhibit A** of this ordinance.
3 The administrative plan shall be designed and implemented no later than July 1, 2024, with
4 individuals located in the zip codes with the highest number of eviction filings being prioritized
5 for services. Representation for Covered Individuals shall become available no later than July 1,
6 2024.

7 4. Subsequent to the initial appropriation of Coronavirus Local Fiscal Recovery Funds
8 outlined herein, the City shall designate a source of annual funding for this Ordinance for each
9 fiscal year.

10 **SECTION SEVEN. Engagement and education.**

11 In addition to overseeing the administration of this Ordinance, the Coordinator shall work
12 with designated community groups to engage and educate tenants and others about the program,
13 including:

- 14 a. distributing written information to tenants and property owners;
- 15 b. assisting tenants to form and maintain tenant associations;
- 16 c. referring tenants to designated community groups; and
- 17 d. engaging in any other activity designed to engage, educate or inform tenants about their
18 rights.

19 **SECTION EIGHT. Severability Clause.**

20 The provisions of this Ordinance shall be severable. In the event that any provision of this
21 Ordinance is found by a court of competent jurisdiction to be unconstitutional, void, or otherwise
22 unenforceable the remaining provisions of this Ordinance are valid and shall remain in effect

1 unless the court finds the valid provisions of this ordinance are so essentially and inseparably
2 connected with, and so dependent upon, the void provision that it cannot be presumed that the
3 Board of Aldermen would have enacted the valid provisions without the void ones, or unless the
4 Court finds that the valid provisions, standing alone, are incomplete and incapable of being
5 executed in accordance with the legislative intent.

6 **SECTION NINE. Emergency Clause.**

7 This being an ordinance for the preservation of public peace, health and safety, it is
8 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article
9 IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective
10 immediately upon its passage and approval by the Mayor.

Board Bill Number 59
Exhibit A

Fiscal Year	Fiscal Year 2024-2025	Fiscal Year 2025-2026	Fiscal Year 2026-2027	Fiscal Year 2027-2028
Target Caseload: 4500 cases	25% of Target Caseload: 1,125 cases	50% of Target Caseload: 2,250 cases	75% of Target Caseload: 3,375 cases	100% of Target Caseload: 4,500 cases

BOARD BILL NUMBER 59

FISCAL NOTE

Preparer's Name: Casey Millburg

Phone Number or Email Address: millburgc@stlouis-mo.gov

Bill Sponsor: Alderwoman Shameem Clark Hubbard

Bill Synopsis:	Creates Right to Counsel program for residents facing eviction
Type of Impact:	Funding for implementation and Year 1 of program
Agencies Affected:	Department of Human Services

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? Yes No
- An undertaking of a new service for which no funding is provided in the current adopted city budget? Yes No
- A commitment of city funding in the future under certain specified conditions? Yes No
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget? Yes No
- An execution or initiation of an activity as a result of federal or state mandates or requirements? Yes No
- A capital improvement project that increases operating costs over the current adopted city budget? Yes No
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? Yes No

If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.

SECTION B

- Does the bill require the construction of any new physical facilities? ___ Yes ___ X No

- If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office? X Yes ___ No

- If yes, explain the impact and the estimated cost:

This bill would create in the Department of Human Services the new position of Program Coordinator to administer this program. Please see Exhibit B.

- Does the bill create a program or administrative subdivision? X Yes ___ No

- If yes, then is there a similar existing program or administrative subdivision? ___ Yes X No

- If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Please see Exhibit B for a detailed estimation of what program costs could look like, subject to appropriation as provided in the bill.

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	\$0	\$0-Unknown	\$0-Unknown
Additional Revenue	\$0-Unknown	\$0-Unknown	\$0-Unknown
Net	Unknown	Unknown	Unknown
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	\$97,600	\$0-1,310,100
Additional Revenue	N/A	N/A	N/A
Net	N/A	\$97,600	\$0-1,310,100

- Describe any assumptions used in preparing this fiscal note: Start up & computer cost in 1 year

Please see Exhibit B for a detailed estimation of what program costs could look like, subject to appropriation as provided in the bill.

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note

BB 180 (2022-2023) cost estimates, and ongoing guidance from community legal organizations regarding relevant costs of representation.

- Have the financial estimates of this bill been verified by the City Budget Division? Yes No

○ If yes, by whom? _____ .

		Program Building Phase (Bill passage thru Jun. 30, 2024)	Year 1 (FY25: Jul. 1, 2024 - Jun. 30, 2025) Target of 1,125 cases (25% of final target of 4,500)	Year 2 (FY26: Jul. 1, 2025 - Jun. 30, 2026) Target of 2,250 cases (50% of final target of 4,500)	Year 3 (FY27: Jul. 1, 2026 - Jun. 30, 2027) Target of 3,375 cases (75% of target of 4,500)	Year 4 (FY27: Jul. 1, 2027 - Jun. 30, 2028) Target of 3,375 cases (75% of target of 4,500)
Attorneys (est. 100 cases each)		0	11	22	33	45
Salary	\$65,000	\$0	\$715,000	\$1,430,000	\$2,145,000	\$2,925,000
Benefits (est. 30% of salary)	\$19,500	\$0	\$214,500	\$429,000	\$643,500	\$877,500
Payroll Taxes (est. 8% of salary)	\$5,200	\$0	\$57,200	\$114,400	\$171,600	\$234,000
Subtotal	\$89,700	\$0	\$986,700	\$1,973,400	\$2,960,100	\$4,036,500
Paralegals (est. 1 for every 5 attorneys)		0	2	4	6	9
Salary	\$45,000	\$0	\$90,000	\$180,000	\$270,000	\$405,000
Benefits (est. 30% of salary)	\$13,500	\$0	\$27,000	\$54,000	\$81,000	\$121,500
Payroll Taxes (est. 8% of salary)	\$3,600	\$0	\$7,200	\$14,400	\$21,600	\$32,400
Subtotal	\$62,100	\$0	\$124,200	\$248,400	\$372,600	\$558,900
Secretaries (est. 1 for every 5 attorneys)		0	2	4	6	9

Salary	\$35,000	\$0	\$70,000	\$140,000	\$210,000	\$315,000
Benefits (est. 30% of salary)	\$10,500	\$0	\$21,000	\$42,000	\$63,000	\$94,500
Payroll Taxes (est. 8% of salary)	\$2,800	\$0	\$5,600	\$11,200	\$16,800	\$25,200
Subtotal	\$48,300	\$0	\$96,600	\$193,200	\$289,800	\$434,700
Coordinator		1	1	1	1	1
Salary	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000
Benefits (est. 30% of salary)	\$21,000	\$21,000	\$21,000	\$21,000	\$21,000	\$21,000
Payroll Taxes (est. 8% of salary)	\$5,600	\$5,600	\$5,600	\$5,600	\$5,600	\$5,600
Subtotal	\$96,600	\$96,600	\$96,600	\$96,600	\$96,600	\$96,600
Providers Operational Support (e.g. materials, CLE, legal software access)	\$3,500		\$38,500	\$77,000	\$115,500	\$157,500
Training for Providers		\$0	\$2,000	\$2,000	\$2,000	\$2,000
Materials for Recruitment & Public Awareness		\$1,000	\$4,000	\$4,000	\$4,000	\$4,000
TOTAL		\$97,600	\$1,310,100	\$2,517,600	\$3,725,100	\$5,132,700