



# SEATTLE CITY COUNCIL

## Legislative Summary

Res 31802

Record No.: Res 31802

Type: Resolution (Res)

Status: Adopted

Version: 2

Ord. no:

In Control: City Clerk

File Created: 03/02/2018

Final Action: 03/19/2018

**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.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

**Attachments:**

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

**History of Legislative File**

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	03/02/2018	sent for review	Council President's Office			
	<b>Action Text:</b> The Resolution (Res) was sent for review. to the Council President's Office						
	<b>Notes:</b>						
1	Council President's Office	03/02/2018	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
	<b>Action Text:</b> The Resolution (Res) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee						
	<b>Notes:</b>						
1	Full Council	03/12/2018	referred	Civil Rights, Utilities, Economic Development, and Arts Committee			

Legislative Summary Continued (Res 31802)

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1 Civil Rights, Utilities, 03/13/2018 adopt as amended Pass  
Economic Development,  
and Arts Committee

**Action Text:** The Committee recommends that Full Council adopt as amended the Resolution (Res).

**Notes:**

In Favor: 3 Chair Herbold, Vice Chair Sawant, Member O'Brien

Opposed: 0

2 Full Council 03/19/2018 adopted Pass

**Action Text:** The Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

**Notes:**

In Favor: 8 Councilmember Bagshaw, Councilmember González , Council  
President Harrell, Councilmember Herbold, Councilmember Johnson,  
Councilmember Mosqueda, Councilmember O'Brien, Councilmember  
Sawant

Opposed: 0

2 City Clerk 03/19/2018 attested by City Clerk

**Action Text:** The Resolution (Res) was attested by City Clerk.

**Notes:**

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CITY OF SEATTLE

RESOLUTION 31802

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

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

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

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

16 WHEREAS, in 2016, with a median rental rate of \$1,448 a month, Seattle became the fifth most  
17 expensive city in the nation for renters; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 Section 1. Legal Representation Services Scope of Work:

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

3                   a.    The client is indigent and has been referred to KC DPD by Seattle Municipal  
4                   Court due to a criminal charge;

5                   b.    The client is not represented by a Conflict Attorney Panel attorney;

6                   c.    The client is experiencing legal problems in one or more of the following  
7                   areas:

8                            i.   evictions,

9                            ii.   housing discrimination,

10                           iii.   public benefits,

11                           iv.   matters involving no contact or protection orders, and

12                           v.   issues involving licensing, records, and legal financial obligations.

13                   d.    The client's case meets the requirements enumerated in Section 3 of this  
14                   resolution.

15           Section 2. Prioritization:

16                   A.     Civil legal aid attorneys shall prioritize legal problems involving evictions in  
17 administering direct representation services.

18                   B.     Civil legal aid attorneys shall prioritize the provision of direct representation  
19 services to communities most adversely impacted by racial inequity in the criminal justice  
20 system.

21           Section 3. Criteria for Direct Representation Services:

1           A.     Provision of direct representation services to clients shall be based on three  
2 factors, including the client’s ability to represent themselves, the complexity of the case and  
3 attorneys’ level of expertise, and departmental resources required to complete the representation.

4           B.     Direct representation for administrative advocacy may occur only with Managing  
5 Attorney approval, and direct representation for civil court advocacy may occur only with Public  
6 Defender approval. This approval process will ensure consistency in practice across the three  
7 divisions that are staffed with City-funded attorneys.

8           Section 4. Civil legal aid group. The Chair of the Civil Rights, Utilities, Economic  
9 Development, and Arts Committee shall explore sponsoring the creation of a civil legal aid  
10 coordination group comprised of attorneys, service and housing providers, government, and  
11 other stakeholders. This group may consider policy developments such as a right to counsel for  
12 cases involving unlawful detainer actions, financial barriers curtailing renters’ ability to file  
13 orders for limited dissemination, and other eviction-related issues. The Council shall also explore  
14 providing resources to KC DPD or another third party to provide practical and strategic  
15 coordination of civil legal aid support.



1 Adopted by the City Council the 19<sup>th</sup> day of March, 2018,

2 and signed by me in open session in authentication of its adoption this 19<sup>th</sup> day of  
3 March, 2018.

4 

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

6 Filed by me this 19<sup>th</sup> day of MARCH, 2018.

7 

8 Monica Martinez Simmons, City Clerk

9 (Seal)