

1 By Supervisors Clancy, Taylor, Shea, Sumner, Haas, Johnson Jr., Nicholson, Coggs-
2 Jones, Czarnezki, Logsdon, and Rolland

3 File No. 21-506
4

5 **A RESOLUTION**
6

7 declaring a “right to counsel” for residents of Milwaukee County facing eviction or
8 foreclosure, authorizing the Department of Health and Human Services, Housing
9 Division to implement a pilot Right to Counsel program, and authorizing an
10 appropriation transfer in the amount of \$916,576 from the County’s American Rescue
11 Plan Act (ARPA) allocation to fund cost of the program for the remainder of 2021
12
13

14 WHEREAS, Harvard University professor Matthew Desmond’s *Evicted: Poverty*
15 *and Profit in the American City*, found numerous negative outcomes from housing
16 instability in Milwaukee and argued, “Affordable housing is a human-capital investment,
17 just like programs or education, one that would strengthen and steady the American
18 workforce.”; and
19

20 WHEREAS, in the City of Milwaukee, 56,420 evictions were filed from 2016 to
21 2020, according to the Track Milwaukee Evictions Project which is a collaborative
22 project by researchers at the Medical College of Wisconsin Institute for Health Equity’s
23 Division of Epidemiology, Legal Action of Wisconsin, the City of Milwaukee Attorney’s
24 Office, and the City of Milwaukee Department of Neighborhood Services; and
25

26 WHEREAS, the Track Milwaukee Evictions Project reports that from 2016 to
27 2020, there were 24,890 eviction judgements issued in the City of Milwaukee; and
28

29 WHEREAS, the Wisconsin Policy Forum in 2018 produced a report titled “No
30 Place Like Home: Connecting and Strengthening Eviction Prevention Services in
31 Milwaukee”, that examined the eviction problem in Milwaukee County and offered
32 recommendations to decrease evictions, such as a tenant and landlord resource center
33 to serve as a “front door” for eviction prevention services, expanded awareness of
34 mediation services, and enhanced capacity of temporary rent assistance programs; and
35

36 WHEREAS, in Wisconsin a landlord must provide a written notice to the tenant
37 prior to filing an eviction action with the court, and depending on the type of tenancy and
38 the issue leading to eviction, the tenant will be served with either a five-day, 14-day, 28-
39 day, or 30-day notice to vacate; and

40 WHEREAS, if the tenant does not vacate the premises within the specified time
41 period after the notice expires, the landlord has the right to proceed with filing an
42 eviction by completing the Eviction Summons and Complaint form that must be served
43 to the tenant within five days of the scheduled court hearing; and
44

45 WHEREAS, a lender in the State of Wisconsin may begin the foreclosure
46 process once a loan goes into default; the lender can then begin the judicial foreclosure
47 process by filing a summons and complaint, of which the homeowner has 20 days from
48 the time the individual is served with the summons to file a formal response with the
49 courts; and
50

51 WHEREAS, the Legal Aid Society of Milwaukee reports that evictions have
52 negative consequences on individuals, including homelessness, loss of personal
53 belongings, public court eviction record, neighborhood stability, challenges securing
54 future housing, educational disruption, and more; and
55

56 WHEREAS, legal representation is not required for small claims housing matters,
57 but tenants and homeowners often don't know their legal rights and both landlords and
58 banks often have legal representation in small claims matters; and
59

60 WHEREAS, American University's Justice in Government Project, Improving
61 Housing Outcomes, concluded that tenants were more likely to remain in their homes,
62 receive more days to move, have a higher settlement rate with balanced representation,
63 and a lower trial rate when they had legal representation; and
64

65 WHEREAS, Legal Action of Wisconsin's Eviction Defense Project provides
66 individuals with brief legal advice, settlement assistance, document drafting, and some
67 limited scope in-court representation, and is located at the Milwaukee County
68 Courthouse with office hours held during certain weekdays and based on availability;
69 and
70

71 WHEREAS, Legal Action of Wisconsin's Eviction Defense Project provided data
72 that shows in Milwaukee County 90 percent of eviction cases are dismissed or delayed
73 when a tenant has legal representation; and
74

75 WHEREAS, a review of pro-bono legal aid in Milwaukee County for eviction
76 cases from 2017 to 2018 produced a return of investment of \$2.23 for every dollar
77 invested; and

78 WHEREAS, a Right to Counsel program provides tenants facing eviction who
79 meet certain criteria such as residing in a certain zip code, meeting a specified income
80 status, and other eligibility requirements free legal representation; and

81

82 WHEREAS, New York City in 2017 enacted a Right to Counsel program and, as
83 a result, 86 percent of individuals represented by counsel remained in their homes,
84 eviction filings and eviction judgements decreased, and the number of default
85 judgements decreased, saving the city \$320 million through decreased use of affordable
86 housing units and decreased shelter costs; and

87

88 WHEREAS, in 2018, Cleveland enacted a Right to Counsel program and found
89 better results than New York City, as 93 percent of individuals who retained counsel for
90 their court proceedings avoided eviction or an involuntary move, 83 percent of
91 individuals were granted additional time to move out, and 89 percent of individuals
92 seeking to mitigate damages were successful; and

93

94 WHEREAS, the 2021 Adopted Budget requested the Department of Health and
95 Human Services, Housing Division to analyze the possibility of creating a “Right to
96 Counsel” program to assist individuals facing eviction in Milwaukee County; and

97

98 WHEREAS, on April 9, 2021, an informational report provided by the Department
99 of Health and Human Services, Housing Division stated that United Way of Greater
100 Milwaukee and Waukesha is pledging to commit \$1.5 million over a five year period in
101 partnership with the Legal Aid Society to increase the number of dedicated attorneys
102 specifically for housing eviction (File No. 21-422); and

103

104 WHEREAS, a Right to Counsel program in Milwaukee County would alleviate the
105 stress of individuals and their families being evicted as they would have legal
106 representation to advocate for them and help them understand the eviction process
107 from beginning to end; and

108

109 WHEREAS, other places that have enacted a Right to Counsel program have
110 saved millions of dollars annually and helped prevent homelessness for thousands of
111 people; and

112

113 WHEREAS, the Committee on Finance, at its meeting of June 17, 2021,
114 recommended adoption of File No. 21-506 (vote 7-0); now, therefore,

115

116 BE IT RESOLVED, all Milwaukee County residents shall have access to legal
117 representation when facing eviction or foreclosure; and

118

119 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors
120 hereby supports the Right to Counsel Milwaukee program; and

121 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors
122 authorizes the Department of Administrative Services, Office of Performance Strategy
123 and Budget (DAS-PSB), working in conjunction with the Office of the Comptroller, to
124 execute an appropriation transfer of \$916,576 from Milwaukee County's allocation of
125 \$183,417,734 from the American Rescue Plan Act (ARPA) to the Department of Health
126 and Human Services - Housing Division to support the Right to Counsel Milwaukee
127 program for the remainder of 2021; and

128
129 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors
130 hereby authorizes the program to continue in 2022 at an estimated full-year cost of
131 \$2,113,153, of which the County's cost of \$1,833,153 will be financed with ARPA
132 monies that shall be allocated in 2022 to the Department of Health and Human
133 Services, Housing Division for this pilot program; and

134
135 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors
136 hereby authorizes the Department of Health and Human Services - Housing Division to
137 develop and administer a pilot Right to Counsel program and enter into service
138 contracts for an amount up to \$916,576 for the remainder of 2021; and

139
140 BE IT FURTHER RESOLVED, the Right to Counsel program shall be funded
141 approximately \$1,833,153 for 2022 using ARPA funds which will be appropriated at a
142 later date.

143

144

145 06/17/2021

146 \\Fi01wpchc\comclerk\$\Committees\2021\Jun\FINANCE\Resolutions\21-506 Clancy appropriate Transfer request for
147 Right to Counsel no edits.docx