

COUNTY OF MILWAUKEE
Inter-office Memorandum

DATE: April 16, 2021

TO: Sup. Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

FROM: Shakita LaGrant-McClain, Director, Department of Health and Human Services
Prepared by James Mathy, Administrator, Housing Division

SUBJECT: Report from the Director, Department of Health and Human Services, providing an informational report on Right to Counsel

Issue

The Milwaukee County Board adopted an amendment to the 2021 DHHS Budget requesting that the Housing Division analyze the possibility of establishing a “Right to Counsel” Program to provide legal counsel for persons facing eviction or foreclosure in Milwaukee County. Criteria for inclusion in the program would require that residents reside in the 53206 zip code and/or include children under the age of 18 at the time of eviction or foreclosure. As part of this analysis, the Housing Division would explore external funding sources, including community partnerships with local organizations, grant opportunities, Community Development Block Grants (CBDG), and State or Federal funding. The amendment required a report be provided to the County Board analyzing the costs of creating such a program and how many residents may benefit.

The information below reflects the department’s response to this 2021 budget amendment on the establishment of a Right to Counsel Program.

Discussion

As highlighted in Matthew Desmond’s book, “Evicted,” Milwaukee has historically suffered from a large number of evictions, approaching 14,000 evictions annually in 2019. Understanding that housing is one of the main social determinants of health, evictions lead to devastating consequences on families ranging from homelessness, the disruption in education for children, and severe mental and physical effects among others. Only 3 percent of tenants have legal representation during an eviction in Milwaukee County. Court data indicates families at risk for evictions are mostly Black and Latino residents in low-income areas. Black women, families with children, and Latino families in mostly White neighborhoods are disproportionately evicted. Citywide, Milwaukee is 38 percent African American, with a 25 percent poverty rate. The 10 neighborhoods with the highest eviction rates are 73 percent African American with a 40 percent poverty rate.

Several communities have begun to study and implement Right to Counsel (RTC) as a means to reduce evictions and have been very successful. New York City implemented RTC in 2013 and

has been able to demonstrate increased legal representation from one percent to 38 percent while seeing a 41 percent decrease in evictions. Eviction filings as a whole have decreased 30 percent. Research also shows a \$320 million net savings in avoided shelter costs and retention of affordable units. San Francisco saw its filing rate drop 10 percent from 2018 to 2019 and tenants receiving RTC representation saw their housing retention increase 67 percent.

Perhaps the best national example of RTC comes out of Cleveland. Since enacting RTC, Cleveland's data shows that 93 percent of tenants were able to avoid evictions or involuntary moves, 83 percent that were seeking additional time to move were granted it, and 89 percent seeking to mitigate damages were able to do so.

Implementing RTC in Milwaukee County

Locally, the Milwaukee Eviction Defense Project data shows that 90 percent of eviction cases are dismissed or delayed when a tenant has legal representation. This simple intervention prevents the cascading economic trauma resulting from an eviction. Eviction prevention efforts also generate significant public cost savings. A study on 2017-18 pro bono legal aid in Milwaukee County eviction cases found a return on investment (ROI) of \$2.23 for every \$1 invested, and CommonBond Communities found an ROI of \$6.75 in social benefits.

Various Milwaukee stakeholders have looked at Cleveland's model as a potential blueprint for what could be accomplished and supported in Milwaukee County. Initial funding for this concept, Right To Council Milwaukee (RTCM), has recently been pledged by United Way, with a proposed contribution of \$1.5 million over a five-year period in partnership with the Legal Aid Society to dramatically increase the number of attorneys available for tenants. It has been determined that it would be most efficient for representation to be provided specifically by dedicated housing attorneys.

Through a comprehensive set of resources, supports and counseling for tenants and landlords alike, Right To Counsel Milwaukee (RTCM) would establish a new system to interrupt, delay or prevent eviction proceedings, which would improve the economic, mental and physical health of over 14,000 households.

Informed by models in Cleveland, Baltimore, and five other cities, RTCM will ensure all families facing the complex eviction process in Milwaukee County have legal counsel to negotiate disputes, access supportive services, and provide in-court advocacy. Any family unable to afford a lawyer will be represented by one of RTCM's 12 attorneys specializing in housing law. This full representation model ensures proper time to develop legal strategy and defenses for each family: research, prepare motions and discovery, pursue out-of-court resolutions and advocacy at critical court dates. The RTCM bridges a gaping void by putting Milwaukee families on equal footing in court; decreasing frivolous proceedings; and significantly reducing the public costs associated with the court, criminal justice, and human service system response to evictions.

United Way would lead fundraising, organizational partnerships, and evaluation; Legal Aid Society of Milwaukee would lead program intake, legal advice and representation, training, and collaboration with Milwaukee County Small Claims Court.

Moving upstream, RTCM would work in tandem with programs to prevent evictions in the first place. A Cross-Referral Counselor will connect tenants and landlords to legal aid, mediation, and services such as rental assistance and related social services. Warm transfers would be made for additional services within the same building as RTCM: Community Advocates' campus, three blocks from the Milwaukee County Courthouse.

Estimated RTCM Program Budget

A proposed initial one-year budget has been created if RTCM was fully implemented. The RTCM project estimates an initial budget of \$2,052,915 for the first 12-month term. The details are as follows:

Personnel = \$1,516,753

The project will collectively be staffed by the following personnel:

Supervising Attorney: Provide initiative-level management and oversight for all legal project activities, inclusive of regular review and assessment of data collection, time recording and service delivery. 1 FTE = \$65,000

United Way Income Portfolio Manager: Provides executive management and oversight, including coordination with Safe & Stable Homes Initiative and United Way partner agencies 15% FTE = \$9,367

Staff Attorneys: Provide comprehensive legal consultation, representation and support to tenants. 12 FTE @ \$55,000 = \$660,000

Contract Attorneys: Additional consultation: 100 hours @ \$205.23 = \$205,224

Paralegals: Provides administrative support, technical assistance and coordination. 2 FTE @ \$40,000 = \$80,000

Intake Specialists: Coordinate the initiation of client services and support. 2 FTE @ \$38,000 = \$76,000

Cross-Referral Counselor: Connects tenants and landlords with SASH-funded initiatives and services, such as the Rental Housing Resource Center and flexible emergency fund. 1 FTE = \$40,000

Social Worker: Provides ongoing support and linkages to eligible social services: 1 FTE = \$45,000

Fringe Benefits = \$336,162 Medical, retirement, FICA, etc. calculated at 34% of salary for all project personnel.

Start-up, Occupancy, Administration and Operational Expenses: \$536,162

RTCM will be co-located with the RHRC at Community Advocates' campus - three blocks from the Milwaukee County Courthouse. Cost items include:

Start-up Equipment: \$145,000 (desks, file cabinets, computers, servers, etc.)

Occupancy: \$149,400 (rent, utilities, parking, insurance, supplies)

Program Evaluation: \$55,000 (Stout Risius Ross LLC)

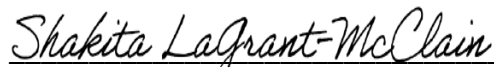
Administration: \$146,562 (overhead, professional services, dues, fees, court costs, etc.); and

Operation: \$40,200 (travel, conferences, publications, etc.).

It is important to note that in addition to the financial support to implement RTCM from an operational perspective, financial resources would need to be set aside to pay back rent for individuals who are facing eviction.

Fiscal Impact

This report is informational only so there is no direct fiscal impact.



Shakita LaGrant-McClain, Director
Department of Health and Human Services

cc: County Executive David Crowley
Sup. Jason Haas, Chair, Finance Committee
Mary Jo Meyers, County Executive's Office
Sherri Jordan, Interim DAS Director
Kelly Bablitch, County Board
Steve Cady, Research and Policy Director – Comptroller's Office
Pam Matthews, Budget Analyst - DAS