

1 **SUB ____ to 2021 RES-115 AS APPROVED BY P&F ON 9/13/21**
2 **PROVIDING LEGAL COUNSEL FOR RESIDENTS FACING HOUSING INSECURITY**
3

4 There were an average of 183 eviction filings per month in Dane County in 2019, the most recent
5 pre-pandemic year. That means nearly 2,200 individuals or families were potentially displaced.
6 The Centers for Disease Control eviction moratorium ended July 31, 2021, and eviction filings are
7 expected to resume in Dane County at a high rate.

8
9 Experiencing an eviction can have profound negative health and mental health effects, and can
10 cause a bout of homelessness, loss of personal belongings, public court eviction record,
11 neighborhood instability, challenges securing future housing, and educational disruption for
12 children. Consequences have been even more dire in light of the COVID-19 pandemic, which
13 sunk many low-income individuals deeper in debt through job cuts and losses, medical bills, and
14 a scramble to provide childcare.

15
16 In response, cities and counties across the country are establishing programs to provide legal
17 counsel to residents facing eviction. New York City, Cleveland, and – recently – Milwaukee
18 County have programs in place.

19
20 Whether facing eviction or foreclosure, the judicial process of removing a person or family from
21 their home can happen with surprising speed. Prior to filing an eviction action in Small Claims
22 Court, as required by law for an eviction, a landlord must lawfully terminate a tenant’s tenancy.
23 The whole process can sometimes occur in a span of less than a month. Similarly, for
24 homeowners facing foreclosure, only 20 days is given to a homeowner to file a formal response
25 with the court and face being removed from their home.

26
27 Access to legal counsel helps to even the playing field for tenants and homeowners and can mean
28 the difference between staying in their homes or facing homelessness. Tenants and homeowners
29 often are unaware of their legal rights or are not trained in the legal procedures to properly enforce
30 them. Unlike cases in criminal court, low-income tenants and homeowners are not guaranteed
31 legal representation. Both landlords and lenders often have legal representation in eviction and
32 foreclosure efforts. One recent program showed that over 90% of the tenants facing eviction
33 who were provided legal counsel in 2020 in Dane County were able to stay in their homes.

34
35 Access to legal counsel makes a difference for tenants and homeowners. While legal
36 representation is not required for small claims housing matters, tenants and homeowners often
37 do not know their legal rights. On the other hand, both landlords and banks often have legal
38 representation in small claims matters. Legal Action of Wisconsin’s Eviction Defense Project
39 indicates that, in Milwaukee County, 90 percent of eviction cases are dismissed or delayed when
40 a tenant has legal representation.

41
42 ~~Legal Action of Wisconsin’s Dane County Eviction Defense Project provides individuals with brief~~
43 ~~legal advice, settlement assistance, document drafting, and in-court representation in eviction-~~
44 ~~related legal matters. The initiative is meant to give tenants meeting certain qualifications better~~
45 ~~access to legal aid lawyers and involving the private bar through pro bono work.~~

46
47 The American Rescue Plan Act’s funding has a goal of economic recovery for people and
48 businesses affected by the pandemic, and eviction and foreclosure prevention fits well within that
49 goal.

51 An Eviction and Foreclosure Defense program in Dane County would help prevent negative
52 outcomes of individuals and their families being evicted as they would have legal representation
53 to advocate for them and help them understand the eviction process from beginning to end.
54

55 NOW, THEREFORE, BE IT RESOLVED, the Dane County Board of Supervisors supports making
56 legal representation available to all Dane County residents facing eviction or foreclosure.
57

58 BE IT FURTHER RESOLVED that the following amendment be made to the 2021 operating
59 budget:

60
61 80000 NEW "Eviction Prevention Legal Assistance" \$50,000
62

63 80000 81367 "ARP Revenue" \$50,000
64

65 **BE IT FURTHER RESOLVED**, the Dane County Board of Supervisors ~~authorizes the~~
66 ~~appropriation of \$50,000 from Dane County's allocation from the American Rescue Plan Act~~
67 ~~(ARPA) to the Department of Human Services - Housing Access and Affordability Division (DHS-~~
68 ~~HAA) to establish a Housing Security Defense Program for the remainder of 2021, and supports~~
69 inclusion of \$150,000 in each of the 2022, 2023, and 2024 budgets.
70

71 **BE IT FURTHER RESOLVED**, the Dane County Board of Supervisors hereby authorizes the
72 Department of Human Services - Housing Access and Affordability Division to develop and
73 administer a service contract for an amount up to \$50,000 for the remainder of 2021 ~~with Legal~~
74 ~~Action of Wisconsin - Dane County Eviction and Foreclosure Defense Project~~ with The Tenant
75 Resource Center to provide funding to organizations that provide legal counsel and representation
76 for individuals in Dane County experiencing eviction and foreclosure, with the intention of
77 renewing the contract_s for 2022, 2023, and 2024 using ARPA funds, which will be appropriated
78 at a later date.
79

80 ~~BE IT FINALLY RESOLVED that DHS-HAA provide quarterly reports to the Health and~~
81 ~~Human Needs Committee regarding contract performance and outcomes.~~ BE IT
82 FINALLY RESOLVED that the County Board requests quarterly reports be shared with the
83 members of the County Board, and that the Health and Human Needs Committee review the
84 reports on a quarterly basis and discuss how the information presented addresses anticipated
85 program outcomes.
86
87