

SUB 2 to 2021 RES-115
PROVIDING LEGAL COUNSEL FOR RESIDENTS FACING HOUSING INSECURITY

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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.

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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.

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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.

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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.

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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.

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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.

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42 The American Rescue Plan Act's funding has a goal of economic recovery for people and
43 businesses affected by the pandemic, and eviction and foreclosure prevention fits well within that
44 goal.

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

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

52 BE IT FURTHER RESOLVED that the following amendment be made to the 2021 operating
53 budget:

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55 80000 NEW "Eviction Prevention Legal Assistance" \$50,000

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57 80000 81367 "ARP Revenue" \$50,000

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59 **BE IT FURTHER RESOLVED**, the Dane County Board of Supervisors supports inclusion of
60 \$150,000 in each of the 2022, 2023, and 2024 budgets.

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62 **BE IT FURTHER RESOLVED**, the Dane County Board of Supervisors hereby authorizes the
63 Department of Human Services - Housing Access and Affordability Division to develop and
64 administer a service contract for an amount up to \$50,000 for the remainder of 2021.

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66 **BE IT FINALLY RESOLVED** that the County Board requests quarterly reports be shared with
67 the members of the County Board, and that the Health and Human Needs Committee review
68 the reports on a quarterly basis and discuss how the information presented addresses
69 anticipated program outcomes.

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