

**From:** [Sanders, Marilyn](#)  
**To:** [Sanders, Monica](#)  
**Subject:** FW: Ordinance 211067 Tenants Right to Counsel  
**Date:** Thursday, December 9, 2021 1:53:54 PM

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FYI

Please attach to the ordinance. Thanks

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**From:** landlords@kclandlords.com <landlords@kclandlords.com>  
**Sent:** Thursday, December 9, 2021 1:51 PM  
**To:** MayorQ <MayorQ@kcmo.org>; O'Neill, Kevin <Kevin.O'Neill@kcmo.org>; Hall, Heather <Heather.Hall@kcmo.org>; Loar, Teresa <Teresa.Loar@kcmo.org>; Fowler, Dan <Dan.Fowler@kcmo.org>; Brandon.Elligton@kcmo.org; Robinson, Melissa <Melissa.Robinson@kcmo.org>; Shields, Katheryn <Katheryn.Shields@kcmo.org>; Bunch, Eric <Eric.Bunch@kcmo.org>; Barnes, Lee <Lee.Barnes@kcmo.org>; Parks-Shaw, Ryana <Ryana.Parks-Shaw@kcmo.org>; Bough, Andrea <Andrea.Bough@kcmo.org>; McManus, Kevin <Kevin.McManus@kcmo.org>; Sanders, Marilyn <Marilyn.Sanders@kcmo.org>  
**Cc:** Robert Long <rlongkcmo@gmail.com>; Stacey Johnson-Cosby <staceykagent@gmail.com>  
**Subject:** Ordinance 211067 Tenants Right to Counsel

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We respectfully request that you delay vote on this ordinance due to concerns about legal issues and the specifics of the ordinance. The ordinance was introduced on 12/1 and is being voted on by council 12/9. This is an extraordinarily short period of time for citizens of Kansas City to understand and respond to an ordinance that could have a profound impact on their legal rights and the expenditure of taxpayer funds.

Our thoughts about the ordinance:

1. There is a good chance this ordinance violates the Equal Protection Clause of the first section of the Fourteenth Amendment to the United States Constitution. If government foots the legal bill for one side of a civil dispute (e.g. renters in evictions), the equal protection clause suggests it must fund both sides. If there's an income test, then lower-income landlords should qualify for city-provided legal aid just like lower-income tenants. Remember that both parties of these legal proceedings are citizens of Kansas City and both are entitled to the same consideration by elected representatives. If a tenant is intimidated and confused by the process of asserting their legal rights isn't a landlord who represents themselves subject to the same concerns? A landlord who cannot assert their legal rights may be in danger of losing their property, their livelihood and thus their home, putting them in the same situation as a tenant.
2. The program should run for as long as the federal emergency rental assistance funds related to the pandemic are available and not be created to be permanent. When federal funds are gone the program can be reevaluated because the threat of eviction due to the COVID

emergency is gone.

3. The ordinance should be income based, not for every single renter, regardless of income.
4. Make rental assistance more easily & readily available. This is the most effective, long term way to prevent an eviction.
5. If your argument is that a tenant needs an attorney in order to apply for rental assistance then you don't need someone with a J.D. to accomplish that task. There are far cheaper ways to assist tenants in the process of receiving aid.
6. Having an attorney does not guarantee that you will not be evicted. Over ninety percent of evictions are simple accounting. Does the tenant owe rent? Any benefit the tenant's attorney can produce will be entirely dependent on the good will of the landlord. This ordinance does nothing to foster that good will.
7. The way the Heartland Center for Freedom and Jobs has operated in the past is to advise tenants, including those whose cases they did not take, to delay the proceedings by asking for a trial setting. They did not inform them that this would most likely result in a larger judgment against them as additional rent comes due and that they would likely be responsible for the landlords additional attorney fees in making additional appearances. While this may be a trade off the tenant is willing to make, they were not given the ability to make informed decisions.

We ask that this communication be made part of the formal record.

Robert Long  
President, Landlords, Inc.  
816-582-5873