

From: [Roland, Le"Shyeka](#)
To: [Public Testimony](#); [Clerk](#)
Subject: Fwd: Re: Ordinance 211067 Tenants Right to Counsel
Date: Thursday, December 9, 2021 2:40:16 PM

----- Forwarded message -----

From: "Bough, Andrea" <Andrea.Bough@kcmo.org>
Date: Dec 9, 2021 2:28 PM
Subject: Re: Ordinance 211067 Tenants Right to Counsel
To: "Bough, Andrea" <Andrea.Bough@kcmo.org>
Cc: 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>, "McManus, Kevin" <Kevin.McManus@kcmo.org>

I'm happy to address these in more detail, but provide simple answers below, many of which were addressed at Committee. I also note that this program will not go into effect until June 1, 2022 while the City Manager and Housing Department establishes the program and identifies the funding.

I hope to have your support.



Andrea Bough
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Sent from my iPad

On Dec 9, 2021, at 1:51 PM, landlords@kclandlords.com wrote:

EXTERNAL: This email originated from outside the kcmo.org organization. Use caution and examine the sender address before replying or clicking links.

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. **No. Under Equal Protection, a rational basis is required. One of the benefits is preventing the lose of a home and preventing homelessness. Much as we provide funding for homelessness, there is justification in providing funding for right to counsel. We are not the only city that is doing this, 12 cities and 3 states have adopted right to counsel.**
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. **Evictions and houslessness were problems before COVID and they will be problems after. They have been exacerbated by COVID. Using federal funding now and hopefully for the next 2-3 years, we can make progress and the number of evictions and the rate of houselessness can be reduced. The ordinance is subject to annual appropriation and, as you all know, the Council can amend an ordinance at any time.**
3. The ordinance should be income based, not for every single renter, regardless of income. **For those who have been involved in landlord tenant court, very few, if any, can afford an attorney. Means testing increases the level of bureaucracy and delays the representation of individuals.**
4. Make rental assistance more easily & readily available. This is the most effective, long term way to prevent an eviction. **This program works along with rental assistance. Attorneys help navigate the rental assistance process, aid in the paying the landlord, and ensuring a just result.**

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. **The program provides for an attorney, but as in the UMKC Truman Fellows Program, others without their law license are involved.**
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. **This program does not guarantee that they will not be evicted. It provides a more equitable result, in most instances for all involved.**
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. **Having worked over the last few months with Heartland Center for Jobs and Freedom, I have no question that they represent their clients to the best extent possible.**

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

Robert Long

President, Landlords, Inc.

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