COMPARED VERISON
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 260139

Amending Chapter 35, Code of Ordinances, Housing, by repealing Section 35-23, "Administration," and enacting in lieu thereof a new section of like number and subject matter for the purpose of clarifying and guaranteeing the public nature of the annual Right to Counsel report.

WHEREAS, Kansas City established the Tenant's Right to Counsel Program through Ordinance No. 211067; and

WHEREAS, the Program has proven highly and consistently effective since implementation, dramatically increasing the proportion of cases resolved by settlement rather than trial for the benefit of all parties involved and reducing the number of residents losing access to housing; and

WHEREAS, the public should have certain access to the information annually released regarding the Program's operations; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 35, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 35-23, "Administration," and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 35-23. Administration.

(a) *Tenant legal services and assistance director*. There shall be established within the housing and community development department a tenant legal services and assistance director who will administer and oversee the program, as well as any necessary supporting positions.

(b) The director shall be responsible for:

(1) Contracting with and coordinating the work of qualified legal and community service providers with a history of work on housing issues and tenant rights;

(2) Overseeing the provision of legal representation to all individuals involved in covered proceedings, including the caseloads of attorneys, with a goal of ensuring no attorneys representing tenants in covered proceedings are required to handle more than 120 cases annually;

(3) Contracting with Platte, Clay, Cass, and Jackson County courts for data sharing relating to daily eviction data, and mailing notice to tenants involved in covered proceedings regarding the existence of the program;

(4) Overseeing a single point-of-contact intake process for tenants;

(5) Providing yearly training, facilitated by a contracted non-profit organization, that is developed in collaboration with the committee, and that is mandatory for all legal representatives that participate in the program;

(6) Providing a status report to the committee at each committee meeting and participating in such meetings;

(7) Providing outreach through the methods outlined in this article;

(8) Requiring legal representatives to send out a questionnaire encouraging the tenant to provide feedback on the efficacy and satisfaction of the legal representation provided to gather information for required reports; and

(9) Handling other duties assigned by the director.

(c) *Reporting.* No later than September 1, 2022 and annually by September 1 thereafter, the tenant legal services and assistance director shall publish to the public and submit to the mayor, city council and city manager, a report of the program and information regarding its implementation, to the extent such information is available, that includes:

(1) The number of individuals in who participated in a covered proceeding;

(2) The number of individuals who received legal representation disaggregated by the following characteristics of such individuals:

a. Postal code of residence;

b. Age of head of household;

c. Household size;

d. Racial and political ethnic identity;

e. gender and sex identity;

f. Estimated length of tenancy;

g. Approximate household income;

h. Tenancy in rent-regulated housing;

i. Tenancy in housing operated by the housing authority of Kansas City;

j. Survey results indicating satisfaction of representation service and process; and

k. Postal code of residence post-hearing.

(3) Outcomes immediately following the provision of full legal representation, as applicable and available, including, but not limited to:

a. The number of case dispositions where a case was dismissed or was otherwise decided substantially in favor of the tenant;

b. The number of case dispositions where judgment for possession in favor of property owner was entered;

c. The number of case dispositions where a stipulation agreement, or other similar agreement, was made preventing the entry of judgment for a possession;

d. The number of case dispositions where a stipulation agreement, or other similar agreement, was made providing a tenant with an opportunity to vacate a judgment for possession at a later date;

e. The number of case dispositions where a tenant was required to vacate a residence but was provided additional time to vacate and, in such cases, the amount of additional time provided to such tenants;

f. The number of case dispositions that otherwise resulted in a tenant vacating a residence prior to the end of their lease term;

g. Instances where an attorney was discharged or withdrew; and

h. Orders for possession filed in county court, writs of restitution issued in county court in forcible entry and detainer proceedings, and residential evictions conducted by the county sheriff.

(4) This report is a public report, and shall be published so as to be easily accessible to members of the public as soon as reasonably practicable.

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Approved as to form:

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Joseph A. Guarino
Senior Associate City Attorney