

ORDINANCE

By Gordon, Bender, and Ellison

Amending Title 7 of the Minneapolis Code of Ordinances relating to Civil Rights.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 143 to read as follows:

CHAPTER 143. - RIGHT TO COUNSEL

143.10. Findings and purpose. (a) *Findings.* The city council finds that:

(1) Evictions can produce lasting harm to tenants, including loss of income, homelessness, restrictions on future housing choice, educational success, mental health, and more.

(2) Low-income tenants lack legal representation in many eviction proceedings, while rental property owners are usually represented by an attorney or other professional representative.

(3) Tenants who are represented by attorneys are less likely to be evicted, and are more likely to maintain housing stability.

(4) Tenants who are represented by attorneys are less likely to use homeless shelters and other emergency resources.

(5) With an eviction on record, it becomes harder to secure safe, stable housing.

(6) Evictions disproportionately affect the city's lowest income residents in the most racially diverse communities.

(b) *Purpose.* The city enacts this chapter to create a right to counsel for low-income tenants, commonly understood to be tenants whose income is less than two hundred percent (200%) of the federal poverty line, and to establish a goal of ensuring that all low-income tenants facing eviction have an attorney provided to them.

143.10 143.20. - Definitions. For the purpose of this chapter, the following definitions shall apply:

Covered individual: A tenant of a rental dwelling unit located in the City of Minneapolis, including any tenant in a rental dwelling unit required to be licensed pursuant to chapter 244 or any tenant in a building operated by the Minneapolis Public Housing Authority. The program director, based on budgetary and resource availability and to maximize program effectiveness and impact, may establish additional required qualifications for covered individuals, including but not limited to income-level requirements.

Covered proceeding: Any proceeding to evict a covered individual, including an eviction action, an eviction counterclaim, and an appeal of such a proceeding. The program director, based on budgetary and resource availability and to maximize program effectiveness and impact, may modify or expand the proceedings to be covered by the program.

Designated organization: One (1) or more organizations, associations or persons that have been selected, pursuant to required contracting procedures, by the program director to provide legal representation to covered individuals in covered proceedings.

Legal services: Ongoing legal representation and all legal advice, advocacy, and assistance associated with such representation provided by an attorney employed or associated with a designated organization, consistent with that attorney's reasonable judgement and with the obligations imposed by the Minnesota Rules of Professional Responsibility. Legal representation includes, but is not limited to, an appearance on behalf of the covered individual in a covered proceeding. The program director, based on budgetary and resource availability and to maximize program effectiveness and impact, may modify or expand the scope of legal or other services covered by the program.

Program director: The director of the department of civil rights or the director's designee(s) within the department of civil rights or other appropriate city department, having authority over the formation, necessary contracting, budgeting and administrative duties associated with the implementation and maintenance of the tenant right to counsel program established by this chapter, to the extent the program is and remains funded by the city or through other available and legal means.

143.20 143.30. - **Provision of legal services.** (a) The City of Minneapolis hereby establishes, and the program director shall implement to the extent funding is appropriated or received, a program to provide access to legal services for covered individuals in covered proceedings.

(b) ~~Covered~~ **All covered** individuals shall be eligible to receive access to legal services prior to their first scheduled appearance in a covered proceeding pursuant to this program, and thereafter at all covered proceedings. The program director shall consult and cooperate with the district court as needed to maximize the effectiveness, access to, and impact of the right to counsel program.

143.30 143.40. - **Selection of designated organization.** (a) The program director shall establish a procedure and criteria for selection of a designated organization or organizations, consistent with applicable law, policy and procedure.

(b) Any organization, association or person which employs or is associated with attorneys currently licensed to practice law in the State of Minnesota may apply to be selected as a designated organization.

(c) The program director shall select a designated organization and the program director and designated organization shall commence implementation of the program, to the extent the program is funded and remains funded, in a manner designed to maximize the effectiveness and impact of the program. The provision of legal services to covered individuals in covered proceedings shall occur on a schedule and in a manner agreed to by the program director and designated organization through the selection process.

143.40 143.50. - **Administration of right to counsel program.** (a) The program director shall publicize the existence of the program in manners designed to reach and inform covered individuals.

(b) The program director shall review the performance of designated organizations on at least an annual basis.

(c) The program director shall reopen the process for selection and deselection of designated organizations as the director deems proper, but in no event less than once every five (5) years.

(d) The program director shall prepare, on at least an annual basis, a written report detailing the number of covered individuals served, the extent of legal services performed, the income limits, if any, set by the program director, the number of covered individuals who did not receive legal services, and other metrics evaluating outcomes and program performance.