

RESOLUTION NO. 20083

A RESOLUTION OF THE CITY OF TULSA, OKLAHOMA, ENCOURAGING ACCESS TO JUSTICE, BY RECOMMENDING A RIGHT-TO-COUNSEL IN EVICTION PROCEEDINGS DURING THE COVID-19 PANDEMIC; AND DECLARING AN EMERGENCY.

WHEREAS, in 2019 there were 14,315 evictions cases filed against residents in Tulsa County; and

WHEREAS, amid the COVID-19 pandemic, over 100,000 Oklahomans are unemployed, and many are facing eviction for the first time, through no fault of their own; and

WHEREAS, the COVID-19 pandemic has caused unprecedented health and economic crises that compound and intensify the need for providing legal expertise to low-income individuals, inasmuch as over 30% of Tulsans are inordinately burdened by rental debt, thus placing them at increased risk of eviction; and

WHEREAS, before the COVID-19 pandemic, Tulsa, along with Oklahoma City, had some of the highest eviction rates in the nation and Tulsa County is presently ranked eleventh nationally in the highest number of evictions executed, according to Princeton University's nationwide database of evictions, "Eviction Lab"; and

WHEREAS, in January 2020 landlords were represented by legal counsel in 82% of eviction cases filed, while only 3.5% of tenants were represented by legal counsel; and

WHEREAS, as many as 500,000 Oklahomans, 13% of the state's population, could be facing eviction in the next few months, creating a human and public health crisis, stressing non-profit organization resources, and, municipal services; and

WHEREAS, over 1,600 requests for legal assistance in COVID-related or caused issues were received by Legal Aid Services of Oklahoma from March 15, 2020 to date; and

WHEREAS, Oklahoma has no statutory provisions taking into consideration extraordinary, non recurring, exigent circumstances, allowing renters an opportunity to catch up past due rent, in light of their payment history, hardship, mediation efforts, or allowing tenants and landlords to access current rental assistance payment options; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) eviction moratorium: (1) does not stop evictions for reasons outside non-payment of rent, and even in cases of non-payment of rent, a tenant's CDC declaration may only serve as an affirmative defense to which a landlord may refute or challenge as legally insufficient, and (2) requires a tenant to provide a signed declaration, under penalty of perjury, in order to possibly postpone their removal from their home until December 31, 2020; and

WHEREAS, Oklahomans do not possess the right to counsel in civil eviction proceedings, thus subjecting impoverished Oklahoma families to eviction without any legal representation; and

WHEREAS, a University of Tulsa report found that tenants who are represented by an attorney are almost twice as likely to avoid harmful eviction judgments, with 7 out of 10 tenants with legal representation entering into Judgment Under Advisement agreements, and one-third of those agreements resulting in subsequent dismissals of the cases; and

WHEREAS, an American University cost-benefit study on right-to-counsel availability in other states and municipalities project significant savings benefiting state and local budgets (The Justice in Government Project: Key Studies and Data About How Legal Aid Improves Housing Outcomes, [www.american.edu,https://www.american.edu/spa/jpo/toolkit/upload/housing-7-30-19.pdf](https://www.american.edu/spa/jpo/toolkit/upload/housing-7-30-19.pdf)); and

WHEREAS, landlords who evict tenants face court costs, potential attorney fees, long or short-term vacancies, re-letting costs, and potential loss of rental arrears when tenants are evicted, while state,

county, municipal, and private funding sources are available to landlords on behalf of tenants to pay late rent and even future rent for persons impacted by COVID-19.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TULSA THAT:

Section 1. The Mayor and City Council recognize that legal representation to Oklahomans in an eviction proceeding may prevent many evictions and save state and local dollars.

Section 2. The Mayor and City Council encourages local leaders to take steps to understand the scale of eviction proceedings on their communities.

Section 3. The Mayor and City Council encourages local governments to consider a cost-benefit analysis to measure the overall economic budgetary and logistical benefits of stabilizing households and preventing evictions by providing a right to counsel when a home is at risk.

Section 4. Future right to counsel efforts must involve engaging pro bono attorney representation, adequate funding, and training on basic landlord tenant laws.

Section 5. The Mayor and City Council encourages tenants, landlords, mediators, and courts, within court rules and jurisprudence, to allow for accommodations in the form of time to allow parties to seek past and future rent assistance to provide rent to landlords and maintain homes for Oklahoma families impacted by COVID-19.

Section 6. Emergency Clause. That an emergency is now declared to exist for the preservation of the public peace, health and safety and for this reason this resolution shall take effect immediately from and after its adoption by the Council and approval by the Mayor.

ADOPTED by the City Council this 16th Day of December, 2020

ADOPTED as an emergency measure this 16th Day of December, 2020 Vanessa Hall-Harper, Chair of the City Council

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this 18th Day of December, 2020 G. T. Bynum, Mayor

ATTEST: Christina A. Chappell, City Clerk

APPROVED: David E. O'Melia, City Attorney