

..Explanation

BACKGROUND: This legislation amends Chapter 4501 and enacts sections 4551.08 and 4551.081 of the Columbus City Codes to create an Access to Legal Services policy.

..Title

To amends Chapter 4501 and enacts sections 4551.08 and 4551.081 of the Columbus City Codes to create an Access to Legal Services policy.

..Body

WHEREAS, about 55% of households in the City of Columbus rent their homes rather than own; and

WHEREAS, Franklin County, unfortunately, continues to lead the state in the number of evictions filed in a county; and

WHEREAS, evictions are one of the key factors contributing to the housing crisis in the City of Columbus; and

WHEREAS, statistics show overwhelmingly that tenants who have representation have a better chance at remaining in their home; and

WHEREAS, the Stout study contracted for by City Council concluded that for every dollar invested in access to counsel, the City and County would see a four dollar return on investment; **NOW, THEREFORE,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapter 4501 of the Columbus City Codes is hereby amended by the enactment of the following additional sections:

Chapter 4501 – Definitions

4501.055 “Brief Legal Assistance” means individualized legal assistance provided in a single consultation by a designated partner to a covered individual in connection with a covered proceeding.

4501.074 “Covered Individual” means any person who occupies a dwelling, with at least one (1) child in the City under a claim of legal right other than the owner, whose annual gross income is not in excess of one-hundred percent (100%) of the federal poverty guidelines as established and updated periodically by the United States Department of Health and Human Services.

4501.0741 “Covered Proceeding” means any proceeding in a Franklin County Court, Ohio, for forcible entry and detainer to terminate the residential tenancy of a covered individual.

4501.077 “Designated Organization” means a non-profit organization or entity with the capacity to provide legal services per the standards set by the American Bar Association for the provision of civil legal aid to covered individuals facing eviction and is designated by the Department of Development or their designee.

4501.147“Full Legal Representation” means ongoing legal representation provided by a designated organization to a covered individual and all legal advice, advocacy, and assistance associated with such representation. Such representation includes but is not limited to, the filing of the notice of appearance on behalf of the covered individual in a covered proceeding.

4501.1961“Legal Services” means any legal representation provided to a covered individual, including brief legal assistance and full legal representation.

SECTION 2. That sections 4551.08 and 4551.081 of the Columbus City Codes are hereby enacted to read as follows:

4551.08 Access to Legal Services

(A) All Covered Individuals are eligible to receive legal services from a Designated Organization(s) in a Covered Proceeding once an action has been filed in a court of competent jurisdiction. The Designated Organization(s) must seek to provide Full Legal Representation unless the individual is ineligible for the Designated Organization’s services due to a conflict of interest, a violation of any retainer agreement, or other circumstances make Full Legal Representation infeasible to render.

(B) The access to legal services described in division (A) of this section is contingent upon additional Council action authorizing the appropriation and expenditure of funds for a contract between the city and a Designated Organization.

(C) Provision of legal services by a Designated Organization for Covered Individuals in a Covered Proceeding shall be administered by the Department of Development or their designee.

(D) Designated Organizations shall work with community partners to engage and educate tenants on their rights and available resources.

(E) Any legal services performed by a Designated Organization(s) under this section shall not supplant, replace, or satisfy any obligations or responsibilities of that Designated Organization under any other program agreement or contract with the City.

(F) Nothing in this chapter, or in the administration or application of this chapter, shall be construed to create a private right of action on the part of any person or entity against the City of Columbus or any agency, official, or employee of the City of Columbus, or any Designated Organization or any employees or agents of a Designated Organization

(G) If any provision of this section or the enforcement of any provision is held to be invalid or unenforceable such finding shall not affect or render invalid or unenforceable any other provision of this section. To this end, each of the provisions of this section are severable.

(H) On February 28th of each year, the Designated Organization shall submit a written report to Council detailing the number of Covered Individuals served, the extent of the legal services performed, metrics that evaluate the outcomes, and a summary of the engagement and education of tenants.

4551.081 Rulemaking

The Director of the Department of Development shall adopt rules and regulations to effectuate the Access to Legal Services policy.