

August 30, 2021

FOR YOUR INFORMATION

To: Major Projects & Smart Government Committee, City Council
From: Paula Boggs Muething, City Manager *PSM*
Subject: “Access to Justice” Pilot Program to prevent residential eviction

The purpose of this memorandum is to provide Council information on the “Access to Justice” Pilot Program that the Administration will be launching in partnership with the Legal Aid Society of Greater Cincinnati (“Legal Aid”). This program will provide critical legal services to City residents that will help these residents secure available rental assistance and defend against eviction actions.

Background

On August 26, 2021, the U.S. Supreme Court ruled 6-3 to end the Centers for Disease Control’s (CDC) moratorium on residential eviction. Prior to this most recent ruling, the Supreme Court had left in place an earlier CDC residential eviction ban that expired at the end of July 2021. Since April, the Hamilton County Municipal Court (who has jurisdiction over eviction cases in the City of Cincinnati) stopped enforcing the national CDC residential eviction moratorium, allowing for residential evictions for nonpayment of rent to proceed that may have been previously stayed. Eviction filings have been steadily rising in the City since the end of 2020. The continuing pandemic remains a constant threat to residents who are evicted, since many individuals evicted must move into congregate settings, like emergency shelter, or into shared housing with family or friends where there is a great risk of exposure to COVID-19.

Most residential eviction complaints brought in the City of Cincinnati are filed on the basis of non-payment of rent. The availability of emergency rent assistance in our community is at a historic level through the American Rescue Plan’s Emergency Rental Assistance (ERA) program. It is critical to connect eligible tenants and landlords to this resource in order to stabilize families and the City’s rental housing market. The City has partnered with the Cincinnati-Hamilton County Community Action Agency (“CAA”) to deploy these significant federal resources to eligible families and landlords in our community. ¹

¹ Community Action Agency Home Relief Program, information available online at <https://www.cincy-caa.org/what-we-do/supportive-services/caa-home-relief.html>

“Access to Justice” Program Description

As part of the ERA program, U.S. Treasury has encouraged local governments to identify partnerships to actively prevent evictions, to promote housing stability, and to develop eviction diversion programs. Through the Administration’s experience over the course of the last several months, it has become clear that many tenants in Cincinnati need legal assistance in applying for and securing the available rental assistance and in defending themselves against eviction cases that have already been initiated.

The ERA program permits the City to utilize up to 10% of its ERA allocation for other housing stability services, including for legal services related to eviction proceedings and maintaining housing stability.

During the COVID-19 pandemic, Legal Aid has demonstrated success in preventing threatened evictions for nonpayment of rent, using a combination of legal representation and assistance in securing rental assistance for clients through partnerships with CAA and St. Vincent DePaul Society.

To address the urgent need for legal representation, the City in partnership with Legal Aid are launching the “Access to Justice” program. This program will provide free legal services to eligible low-income Cincinnatians to assist in defense against eviction cases and to assist tenants in securing available rental assistance. In addition to other committed public and private funding, the City will contribute to this program \$500,000 of the City’s ERA-2 allocation, which was appropriated by Council in Ordinance No. 209-2020. Other City support provided for the program includes \$115,000 in CDBG funding and \$50,000 in human services funding. The program will be launched with the target of providing dedicated representation in eviction for 700 families in the City, with the goal of an 80% resolution rate in those cases.