

NEW KANSAS CITY RIGHT TO COUNSEL ORDINANCE TO PROVIDE FREE LEGAL REPRESENTATION FOR TENANTS FACING EVICTION

Starting in the summer of 2022, residential tenants facing eviction in the Kansas City metropolitan area will have the right to free legal counsel, and landlords are required to notify their tenants of this right.

On Dec. 9, 2021, the Kansas City, Missouri, City Council voted to approve the right to counsel ordinance that will create a program to fund legal representation for all of the city's tenants facing eviction, regardless of an individual tenant's income level. The estimated annual \$2.5 million program is set to take effect by June 1, 2022.

The program will cover all petitions and complaints filed by Kansas City landlords relating to property located within the City of Kansas City, which includes the jurisdictions of Jackson County, Missouri; Clay County, Missouri;; Platte County, Missouri; and Cass County, Missouri.

Under the ordinance, landlords are required to provide written notice of the program to all current tenants. For future tenants, landlords must provide written notice of the program as part of the required disclosures given to a tenant before a new lease is signed. The written notice to both current and prospective tenants must inform tenants of their rights under the program to obtain free legal representation upon a later potential eviction. Landlords are prohibited from pursuing any type of retaliation against tenants who obtain legal representation from the program.

Landlords should be aware that, under the program, tenants will have legal representation from the day the suit is filed until the case is either dismissed or a final judgment in the matter is entered. Kansas City landlords who have represented themselves in eviction proceedings should consider the risks of proceeding without counsel against their now-represented tenants, especially if the matter becomes contested and various rules of procedure and evidence are invoked. Landlords should also familiarize themselves with the notification requirements under the ordinance and confirm the necessary processes and

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procedures are in place to comply.

Armstrong Teasdale attorneys represent residential and commercial landlords in a wide range of landlord-tenant matters, including advising and negotiating lease agreements and evictions. Please contact your regular AT lawyer or one of the authors listed below for counsel regarding your specific situation.