

Washington State Judicial Branch

2025-27 Biennial Budget

Office of Civil Legal Aid

Low-Income Tenant Appointed Counsel Program RCW 59.18.64

Agency: Office of Civil Legal Aid

Decision Package Code/Title: 1K – Tenant Right to Counsel Program

Agency Recommendation Summary Text:

Ongoing funding is requested to continue the core functions of the Low-Income Tenant Appointed Counsel Program to provide legal representation to indigent tenants in unlawful detainer cases as established in RCW 59.18.640. This includes a continuation of increased funding from the FY 25 supplemental budget to address a substantial increase in eviction filings, funding to support the increased need in King County, and a vendor rate adjustment to address the rising operating costs to ensure the same level of program services.

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	1.00	1.00	1.00	1.00	1.00	1.00
Operating Expenditures						
Fund 001-1	\$3,942,000	\$4,932,000	\$8,874,000	\$5,971,000	\$7,063,000	\$13,034,000
Total Expenditures						
	\$3,942,000	\$4,932,000	\$8,874,000	\$5,971,000	\$7,063,000	\$13,034,000

Package Description:

Since 2021, every low-income tenant facing eviction in Washington has been able to have an OCLA-funded defense attorney, as established under RCW 59.18.640. This helps ensure a fair process and that all eviction diversion resources have been exhausted. Under RCW 2.53.050, the Office of Civil Legal Aid (OCLA) was assigned to oversee the program.

In FY 2024, there was a historic spike in evictions across the state, with eviction filings nearly doubling from the prior year. This increase led to a significant rise in cases handled by this program, commonly known as the Right to Counsel (RTC). RTC's legal services providers saw an increase from 7,064 cases in FY 2023 to 10,606 cases in FY 2024. To address this unprecedented surge, OCLA sought and was granted additional funding from the legislature to support the equivalent of 10 more contracted full-time attorney positions in FY 2024. These attorneys have been deployed and are essential to fulfilling the statutory mandate, allowing the RTC program to respond effectively to the increase in cases. The number of case filings remains elevated. In particular, in King County there is an increased demand due to new court processes for UD (unlawful detainer) hearings. The King County courts are making many adjustments to meet the growing needs within the existing framework.

As a result of the increased need for services, this decision package requests a continuation of supplemental funding, with this funding becoming a permanent part of the program's budget. In addition, this decision package requests funding to support the equivalent of 5 more contracted full-time attorney positions to support King County. In addition, while cases are at an all-time high, attorney contractors administering the program have been impacted by inflation. Between 2022 and 2024, cumulative inflation totaled 7.3%, resulting in known and measurable cost increases for both personnel and overhead expenses for these contractors. As a result, a vendor rate increase of 5% is also requested.

OCLA provides contract management and support of the contracted attorneys. In order to provide appropriate oversight of the additional attorneys, OCLA is also requesting 1.0 FTE additional program counsel (managing attorney) beginning in FY 2026.

Describe and quantify expected impacts on state residents.

The Low-Income Tenant Appointed Counsel Program ensures that indigent tenants receive legal representation in eviction proceedings, significantly reducing the risk of wrongful evictions and homelessness. The program has had a substantial impact: 81% of closed cases resulted in permanent housing being secured for the tenant, and 56% of cases resulted in tenants remaining in their homes. Notably, 39% of the clients served have a disability, and 45% identify as BIPOC (Black, Indigenous, and People of Color). Given these outcomes, additional attorney capacity is necessary to maintain the existing standard of high-quality tenant defense legal services and ensure that there are no disruptions in court proceedings or processes that could arise if there are an insufficient number of attorneys.

Explain what alternatives were explored by the agency and why this was the best option chosen.

The Office of Civil Legal Aid (OCLA) explored the possibility of supporting this program through other agency resources. However, it is not possible to allocate additional funds to this program without compromising essential operations. Given the increase in the number of cases, securing a dedicated appropriation was identified as the most viable and stable option to ensure the continued operation and effectiveness of these critical legal aid services.

What are the consequences of not funding this request?

Without this funding, the program will be unable to provide continuous legal assistance to tenants at risk of eviction, leading to increased homelessness and a strain on public resources. Additionally, courts may be unable to hear unlawful detainer cases due to lack of attorney availability.

This decision package represents a continuation and modest expansion of the current Low-Income Tenant Appointed Counsel Program. While it primarily focuses on securing permanent funding for an existing service, it also includes a slight increase in capacity with the addition of 5 new attorneys in King County to address the increased demand and strain on the King County courts. This is not a significant expansion but rather an adjustment to meet the growing needs within the existing framework.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 26	FY 27	FY 28	FY 29	
Program Counsel	1.0	1.0	1.0	1.0	Due to the substantial increase in the number of cases, an additional 1.0 FTE Program Counsel is needed in order to provide oversight to the expanded number of contracted attorneys associated with the program.

Use Standard Costs?

Yes, for the 1.0 FTE Program Counsel. See below for the additional Decision Package request.

If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Salaries and Benefits	\$179,000	\$179,000	\$179,000	\$179,000	Program Counsel
Contracts	\$3,763,000	\$4,753,000	\$5,792,000	\$6,884,000	See attached spreadsheet for calculation of increased contractor needs.

How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice

This program ensures indigent tenants receive necessary legal representation in eviction cases, supporting the fair administration of justice. To ensure attorneys are providing high-quality representation, they must work within established caseloads, and this continued funding allows attorneys to maintain cases consistent with caseload guidelines. Without this program, the vast majority of tenants would confront eviction matters unrepresented and without knowledge of their rights.

Accessibility

The Low-Income Tenant Appointed Counsel Program enhances access to justice by providing legal resources and representation to indigent tenants and makes the court more accessible for those with disabilities; to date one third of appointed counsel recipients self-represent as having a disability.

Access to Necessary Representation

This program provides legal advocacy for tenants facing eviction, helping them navigate complex legal challenges and preventing homelessness.

Commitment to Effective Court Management

N/A

Sufficient Staffing and Support

N/A

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.

This package addresses equity by providing legal aid to individuals disproportionately affected by housing instability and eviction. Our data shows that recipients of eviction defense legal services are disproportionately communities of color, disabled individuals and women. By offering legal assistance, the package helps correct systemic inequities and provides these individuals with the tools to secure their housing and prevent homelessness.

Describe whether and, if so, how the agency received community input and engagement.

This program is a statutory mandate but receives a great deal of community support representing an increasing number of people each year, including over 10,000 people during fiscal year 2024.

Which target populations or communities would be disproportionately harmed by this proposal. Explain why and how these negative equity impacts will be mitigated.

No target populations or communities would be disproportionately harmed. Instead, this proposal aims to mitigate existing inequities by providing necessary legal assistance to tenants at risk of eviction. This is reflected in the fact that the 45% of recipients of this service identify as non-white.

Are there impacts to other governmental entities?

None

Stakeholder response:

There is broad support for this request from communities and organizations that assist tenants at risk of eviction.

Are there legal or administrative mandates that require this package to be funded?

Yes, RCW 59.18.640.

Does current law need to be changed to successfully implement this package?

No

Are there impacts to state facilities?

No

Are there other supporting materials that strengthen the case for this request?

Yes, please see attached spreadsheet.

Are there information technology impacts?

No

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