

KANSAS CITY EVICTION PROJECT

EVICTIONS IN THE COURTS

An Analysis of 106,000 Cases from 2006-2016 in Jackson County

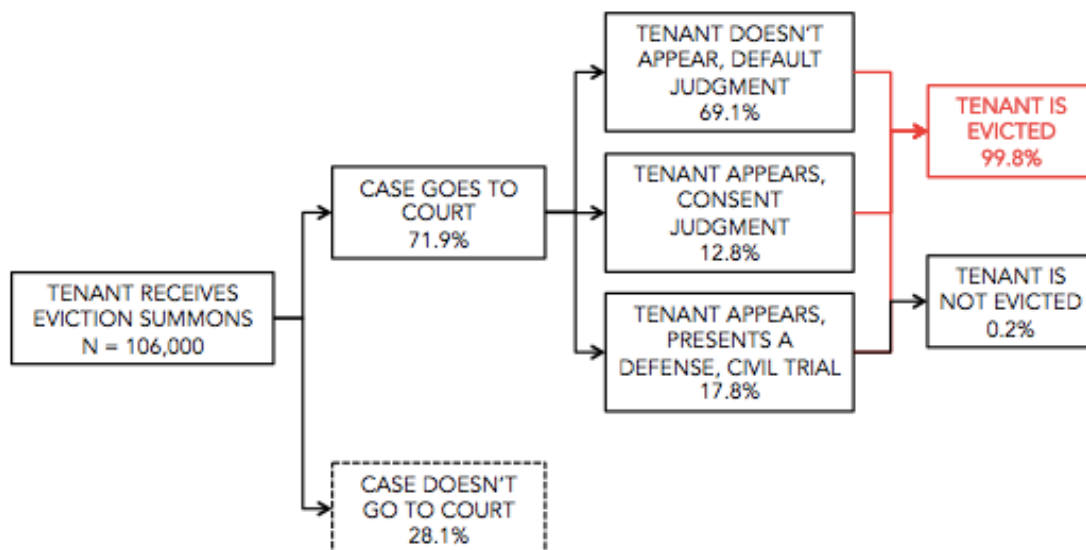
While eviction suits are commonplace in the Jackson County civil court system, to our knowledge there has never been a comprehensive study of the eviction process and the outcomes of cases. We set out to rectify this by collecting a dataset of eviction filings and docket records in Jackson County from Missouri's CaseNet website. We compiled a dataset of 106,000 records, or all the cases filed in Jackson County from 2006-2016. With this dataset, we can provide a rich picture of how cases are disposed, the rates of representation for landlords and tenants, the timeline of the eviction process, and the type of judgments entered against tenants.

We find that greater than 99 percent of cases that proceed to a judgment are adjudicated in favor of the landlord and defendants only win approximately 1.5 percent of the cases that go to a formal trial. Additionally, landlords have representation approximately 85 percent of the time whereas defendants have representation less than 2 percent of the time. Those tenants who do have representation win in court significantly more often than those who do not have representation, and tenants win more cases against landlords when landlords act pro se, or without an attorney themselves.

KEY FINDINGS

- Of the 106,700 evictions filed between 2006-2016, 71.9 percent, or 76,667 cases, were adjudicated. In other words, they were not dismissed at any point in the court process and received a judgment.
- 28.1 percent of the cases were dismissed before judgment. We don't have much information on the cases that were dismissed, but common reasons for dismissal for judgment include payment of past-due rent, or the tenant deciding to move before receiving an eviction judgment.
- Tenants showed up to their court date approximately 30 percent of the time. Roughly 70 percent of cases received default judgments because the tenant did not show up to court.
- Of the 76,667 cases that were adjudicated, only 161 were decided in favor of the tenant.

EVICTIONS FILED IN JACKSON COUNTY, MO (2006-2016)



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REPRESENTATION

- Tenants had representation by an attorney in only 1.3 percent of the cases that received judgments over our ten-year study period. 84 percent of landlords in the sample had formal representation by an attorney.
- Of the 1,389 tenants who had representation, only 56 percent had eviction judgments and/or monetary damages entered against them, whereas 72 percent of tenants who didn't have representation ended up with eviction judgments and/or monetary damages.
- Tenants who were able to afford or attract counsel likely had stronger claims than those who did not. Even so, it is clear that representation matters, and it seems likely that there were tenants who could not afford attorneys who would have benefitted from representation.

EVICTIION JUDGMENTS

Evictions that are decided in court end one of three ways:

- Default Judgment: The tenant does not appear in court and the landlord wins the suit.
- Consent Judgment: The tenant appears in court and consents to a judgment for the landlord to take possession of the property. Sometimes the tenant receives concessions in return.
- Trial by Civil Court: The tenant appears in court and argues their cases. The parties receive a separate court date and both sides put on evidence in front of the judge.

Of the 76,667 cases that were adjudicated that we studied from 2006-2016 in Jackson County:

- 52,162 or 69.1 percent, resulted in default judgments when the tenant did not appear in court.
- 9,864, or 12.8 percent, resulted in consent judgments when the tenant appeared in court.
 - The vast majority of consent judgments do not include any concessions for the tenant. Only 246 of the consent judgments made between 2006-2016, or 5.5 percent, contained stays of the judgment to allow the tenant time to find new housing.
- 13,641, or 17.8 percent, resulted in trial by civil court, and those trials resulted in 13,490 eviction judgments after both parties presented evidence.

EVICTIION DAMAGES

In addition to restitution of the premises (an eviction), judges can order the tenant to pay monetary damages, like past-due rent, late fees, service fees, and more. These damages can be ordered only if the tenant was served in person.

- Of the 76,502 eviction judgments made between 2006-2016:
- 60 percent, or 45,783 cases, called for the tenant to pay monetary damages to the landlord in addition to surrendering the property.
- The average size of the monetary damages was \$2,410.
- In 12.8 percent of the cases, or 9,786 evictions, the judge ordered that the tenant's future wages would be garnished to cover the monetary damages from their eviction.

Kansas City Eviction Project is a collaborative effort involving researchers, community organizers, neighborhood leaders, lawyers, and policymakers to dramatically reduce the eviction rate in Kansas City and, in doing so, advance a comprehensive housing justice agenda that can serve as a model for the country.

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