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COUNTY OF LOS ANGELES DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS

"To Enrich Lives Through Effective and Caring Service"



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August 26, 2019

To: Supervisor Janice Hahn, Chair
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From: Joseph M. Nicchitta
Director

Sachi A. Hamair
Chief Executive Officer

REPORT ON EXPANDING EVICTION DEFENSE SERVICES IN LOS ANGELES COUNTY (ITEM NO. 3, OF MAY 21, 2019 AGENDA)

On May 21, 2019, the Board directed the Department of Consumer and Business Affairs (DCBA) and the Chief Executive Officer (CEO), in collaboration with County Counsel; the departments of Public Social Services, Public Health, and Mental Health; the Public Defender and Alternate Public Defender; the Los Angeles County Development Authority; the Los Angeles Superior Court; the City of Los Angeles; the Los Angeles Homeless Services Authority; nonprofit legal service providers; and other departments and agencies as appropriate to:

- Report on available data regarding unlawful detainer filings within Los Angeles County (County);
- Analyze existing universal representation programs for low-income tenants and other related strategies;
- Provide recommendations regarding how tenant eligibility under a County universal representation program should be limited by income and other factors;
- Provide recommendations regarding the design of a County universal representation program;
- Examine potential partnerships with County cities;
- Recommend outreach strategies and partnerships to support the implementation of a universal representation program;

- Determine the level of staff and infrastructure necessary to support a universal representation program;
- Analyze the potential costs and benefits associated with a universal representation program;
- Collaborate with representatives from departments, cities, legal service providers, and other organizations to inform the development of this report; and
- Hire a consultant, as deemed appropriate, to implement these directives.

The enclosed report summarizes options available to your Board to expand eviction defense and related services for tenants within the County.

In the report:

- We analyze the rate of evictions in the County and its effect on County neighborhoods and conclude that evictions cause some County households to become homeless, and have lasting negative impacts on individuals, households, and neighborhoods where evictions are common. We also identify neighborhoods where households are most likely to suffer evictions based on income levels and percentage of household income spent on housing costs.
- We summarize the outcomes from two existing programs providing legal representation for tenants in New York City and in Los Angeles County. We conclude that programs providing full-scope legal representation for tenants can be an effective strategy, along with other strategies, to decrease housing instability that leads to homelessness.
- We summarize our discussions with County departments and external agencies, including the Los Angeles Superior Court and the City of Los Angeles, and offer options and eligibility requirements for a phased-in legal representation program for tenants in Los Angeles County.

In the report, we recommend that a legal representation program for County tenants be phased-in and initially limited by geography and household income level. We do not recommend that tenant characteristics other than geography and income affect eligibility for services under the program. We recommend that all eligible households receive full-scope legal representation and related services, such as short-term rental assistance and available wraparound services. We also recommend the County develop a branded outreach campaign to notify tenants of available services, and potentially fund prelitigation intervention services in partnership with neighborhood nonprofits and community-based organizations to conduct outreach at the community level. Lastly, we identify staffing and infrastructure needs to develop, launch, and monitor the program appropriately.

For fiscal year 2019-20, we recommend that your Board allocate approximately \$2 to \$3 million in available Measure H revenues to cover startup and operational costs for this fiscal year. We also identify potential funding options for fiscal year 2020-21 to create a sustainable program with braided funding sources.

We also highlight other County investments in legal representation programs, including programs providing legal services for individuals at imminent risk of homelessness, immigrant families, and foster youth. The Board could consider creating a strategic plan for legal services to guide, evaluate, and measure the global impact and efficacy of the County's investment in legal services for our constituents.

Should you have any questions concerning this matter, please contact Joseph M. Nicchitta, Director of Consumer and Business Affairs, at (213) 974-9750 or jnicchitta@dcba.lacounty.gov, or Phil Ansell, Director of the Los Angeles County Homeless Initiative, at (213) 974-1752 or pansell@ceo.lacounty.gov.

JMN:SAH:FAD:JA
PA:DP:RF:rld

Attachments

- c: Executive Office, Board of Supervisors
- Alternate Public Defender
- County Counsel
- Health Agency
- Los Angeles County Development Authority
- Los Angeles Superior Court
- Mental Health
- Public Defender
- Public Health
- Public Social Services



EXPANDING EVICTION DEFENSE SERVICES IN LOS ANGELES COUNTY

August 21, 2019

Prepared by:

**Los Angeles County Department of Consumer and Business Affairs
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Sachi A. Hamai, Chief Executive Officer
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Background and Summary

On May 21, 2019, the Board of Supervisors directed the Department of Consumer and Business Affairs (DCBA) and the Chief Executive Officer (CEO) to collaborate with other County departments, regional agencies, and cities to analyze and propose a program providing legal representation to tenants in Los Angeles County who are facing eviction.

In the first section of this report, we analyze the rate of evictions in Los Angeles County, and its effect on County neighborhoods. Utilizing available data, we conclude that evictions cause some County households to become homeless, and have lasting negative impacts on individuals, households, and neighborhoods where evictions are common. Although data on evictions is limited and does not tell us where evictions are occurring most, we identify neighborhoods where households are most likely to suffer evictions based on income levels and percentage of household income spent on housing.

In the second section, we detail two existing programs providing legal representation for tenants, the New York City Housing Help Program, and the Sargent Shriver Civil Counsel Act pilot program in Los Angeles County. We conclude that programs providing full-scope legal representation for tenants can be an effective strategy, along with other strategies, to decrease housing instability that leads to homelessness.

In the third section, we describe our discussions with County departments and external agencies, including the Los Angeles Superior Court and the City of Los Angeles, and offer options and eligibility requirements for a phased-in legal representation program for tenants in Los Angeles County.

SECTION 1

The Rate of Evictions and Its Impact on Los Angeles County Households

I. Instability Can Lead to Homelessness

A. Evictions Impact the Emotional, Mental, and Financial Wellbeing at the Individual, Family, and Neighborhood Levels

An "eviction" occurs when a tenant is removed from her or his residence involuntarily, or voluntarily upon receipt of an eviction notice or threat of an eviction. An eviction results in a "disruptive displacement" when the tenant is unable to secure comparable housing

immediately following the eviction, loses money or property as the result of the eviction, is unable to maintain existing work or school hours because of the eviction, or is similarly affected.

Research demonstrates that evictions and disruptive displacements have significant short- and long-term societal costs, and can be a destabilizing force for families, neighborhoods, schools, and businesses. These costs include:

- **Negative impacts to one's job security and mental health.** Evictions can have long-term negative health outcomes, regardless of age.¹ One study has shown that 88% of those who suffer an eviction experience anxiety, and 91% experience depression,² and the uncertainty of not knowing if one will be able to acquire consistent housing can have effects similar to that of post-traumatic stress disorder.³ Tenants who are forcibly removed from their homes are up to 22% more likely to lose their job than those who are not evicted, and job loss has been significantly linked to homelessness, with one study finding that 69% of households reported that a job loss occurred before a shelter stay.⁴
- **Financial harm to the individual, including a reduced credit score, difficulties securing subsequent housing because of a past eviction, and an increased reliance on high-cost loan products.** Although the outcome of the legal proceedings of evictions and the results of eviction-related court cases are often sealed for a period of 60 days,⁵ an eviction can have both immediate and lasting financial impacts. The costs of court fees and the loss of deposits can immediately reduce a tenant's liquidity. Under normal circumstances, evictions can negatively affect a tenant's credit score for seven years,⁶ and a reduced credit score can limit the locations where a tenant is able to rent in the future or eliminate their ability to rent entirely.
- **Neighborhood instability and reduced health outcomes in communities where evictions and disruptive displacements are common.** Neighborhoods with a high rate of evictions experience constant turnover and instability, resulting

¹ Bartlett, Sheridan. "Children's Experience of the Physical Environment in Poor Urban Settlements and the Implications for Policy, Planning, and Practice," 11 *Environment & Urbanization* 11, No 2. (1999): 63-70

² Robles-Ortega et al. "Post-Traumatic Stress Disorder Symptomatology in People Affected by Home Eviction in Spain," *Spanish Journal of Psychology* 20, e.57 (2017). <https://doi.org/10.1017/sjp.2017.56>

³ Ibid.

⁴ Seedco. *Housing Help Program: Homelessness Prevention Pilot Final Report*. New York, 2010.

⁵ Scheinin, Richard. "New Law Protects California Tenants from Blacklists," *The Mercury News*, 2016.

⁶ "How Long Does an Eviction Stay on Your Record?" *My rental History Report*.

<https://www.myrentalhistoryreport.com/blog/your-prior-rental-history-and-renting/how-long-does-your-rental-history-stay-with-you/>

in lower civic engagement and empowerment.⁷ Communities where civic engagement and empowerment are limited are also more likely to experience higher rates of crime, health disparities, and lower educational attainment.⁸

- **Reduced developmental outcomes to children in families that suffer eviction and disruptive displacements.** Moving frequently and being subject to an eviction can delay a child's educational advancement.⁹ For example, in 2018, the Urban Institute reported that evictions can have a lasting impact on a child's educational achievement and increase health risks.¹⁰ Evictions have also been linked to juvenile delinquency, which is estimated to decrease a child's average future earnings by up to 22%.¹¹ Frequent moves during childhood, which may result from an eviction, increase school dropout rates by as much as 30%.¹²
- **Increased costs to local government.** Evictions and disruptive displacements are associated with decreased tax revenues from falling incomes and stymied economic growth, and an increased burden on social services, the courts, schools, and hospitals.¹³

B. Evictions Disproportionately Affect People of Color, Women and Children, and Low-Income Households

Eviction rates do not occur in all communities at an equal rate, and evictions have been shown to disproportionately affect people of color, women and children, and low-income households. In one analysis, it was determined that people of color make up nearly 80% of evictions, a result validated across numerous studies.¹⁴

In various cities for which data is available, women, and specifically women of color, are at the greatest risk of facing eviction. In Milwaukee, during a period of time from 2003 to 2007, women made up 60.6% of those facing eviction.¹⁵ Also in Milwaukee, Black women facing eviction outnumbered White women by six to one, and Black men outnumbered

⁷ Jacobs, Jane. *The Death and Life of Great American Cities* (1961). 31-32; Sampson, Robert. *Great American City: Chicago and the Enduring Neighborhood Effect*. Chicago: The University of Chicago Press Books, 2012. 127, 146-47, 151, 177, 231-32

⁸ Lee, Matthew R. "Civic Community in the Hinterland: Toward a Theory of Rural Social Structure and Violence," *Criminology* 46, 2. (2008): 447-448. <https://doi.org/10.1111/j.1745-9125.2008.00115.x>; Lee, Matthew R. "The Protective Effects of Civic Communities Against All-Cause Mortality." *Social Science & Medicine* 70, no. 11. (2010): 1840-1846. doi: 10.1016/j.socscimed.2010.02.020.

⁹ Hartman, Chester & Robinson, David. "Evictions: The Hidden Housing Problem," *Housing Policy Debate* 14, 4. (2003): 461-501; Bartlett, Children's Experience, 63 & 70.

¹⁰ Brennan, Maya. "Evictions are More than a Landlord-Tenant Issue." (Statement, Housing and Neighborhood Revitalization Public Hearing, District of Columbia, September 24, 2018).

¹¹ Robinhood. "Metrics Inform Every Grant We Make." <https://www.robinhood.org/what-we-do/metrics/>

¹² Beatty, Alexandra. "Student Mobility: Exploring the Impact of Frequent Moves on Achievement: Summary of a Workshop," Washington D.C.: The National Academies Press, 2010.

¹³ Hartman & Robinson, *Housing Policy Debate*, 469.

¹⁴ *Ibid.*, 467.

¹⁵ Desmond, Matthew. "Eviction and the Reproduction of Urban Poverty," *Journal of American of Sociology* 118, no. 1 (2012): 88-133.

White men by nearly two to one.¹⁶ In Philadelphia, women of color made up 70% of evicted tenants.¹⁷ Although not all evictions will result in an eviction-related court case, this pattern is also apparent in court filings in Chicago, where 62% of tenants in eviction cases were women.¹⁸

Families with children are also more likely to experience evictions as compared to other tenant households.¹⁹ Families with children are also more likely to receive an unfavorable eviction judgement in court even after all other factors are controlled.²⁰ Data suggest that the presence of children in the household is more important to understanding who is at risk of eviction than race, gender or class.²¹

C. Evictions and Disruptive Displacements Contribute to Homelessness

Data have shown that evictions are not only caused by economic hardships, but are themselves a root cause of poverty and homelessness.²² In Santa Cruz, California, the most frequently reported cause of homelessness among families was eviction,²³ and in New York City, shelter applications indicated that the top reason for families to seek shelter was eviction (29%).²⁴ Also in New York City, 23% of sheltered families indicated that an eviction was a direct cause of their shelter stay, and 38% indicated that they had experienced a formal eviction within 5 years prior to entering a shelter.²⁵

After a tenant is evicted, securing housing may be more difficult. Eviction court decisions that are unfavorable to the tenant may result in the tenant's inability to secure public housing or subsidies, such as Section 8, and landlords may refuse to rent to potential tenants who have been evicted or have poor credit scores due in part to an eviction.²⁶ Tenants facing housing instability after an eviction may be more likely to move into a disadvantaged neighborhood or into a difficult or untenable housing situation.²⁷ Even if housing is secured, lease terms or housing conditions may be unfavorable.²⁸ When tenants are low-income, this can create a cycle in which an eviction can increase the risk

¹⁶ City of Philadelphia. *Mayor's Taskforce on Eviction Prevention and Response*. Philadelphia, PA, 2018 8.

¹⁷ Hartman & Robinson, *Housing Policy Debate*, 467.

¹⁸ *Ibid.*, 467

¹⁹ Desmond, Matthew. "Unaffordable America: Poverty, Housing, and Eviction," *Fast Focus*, no. 22-2015 (2015); Desmond, Matthew, et al. "Evicting Children," *Social Forces* 92, no.1 (2013): 303.

²⁰ Desmond et al., *Social Forces*, 304

²¹ *Ibid.*, 304

²² Desmond, *Fast Focus*, 91; Hartman & Robinson, *Housing Policy Debate*, 468-69.

²³ City of Philadelphia. *Mayor's Taskforce*, 8.

²⁴ *Ibid.*, 8.

²⁵ Stout Risius Ross. *Report of Stout Risius Ross, INC: The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A*. New York, New York: 2016 17.

²⁶ Desmond, *Sociology*, 118-119.

²⁷ Desmond, Matthew et al., "Forced Relocation and Residential Instability among Urban Renters," *Social Service Review* 89, no. 2 (2015): 227-233.

²⁸ Desmond, *Sociology*, 118.

of displacement long after the eviction has concluded.²⁹ In fact, nearly 50% of homeless adults list evictions or rent-related issues as a contributor to their homelessness.³⁰

II. Many Los Angeles County Households Are “Rent Burdened” and Are More Likely to Suffer Eviction

According to 2017 U.S. Census data, there are approximately 3.3 million housing units in Los Angeles County, approximately 54% of which are rental units. The median income for renter households Countywide is \$42,647, as compared to \$90,774 for owner households. More than 56% of County renter households make less than \$50,000 annually, and 56.1% are “rent burdened,” meaning they pay more than 30% of their monthly income toward monthly housing costs. Applicable U.S. Census data is included in **Attachment 1**.

Data published by Neighborhood Data for Social Change,³¹ a project of the University of Southern California’s Price Center for Social Innovation, show some communities in the City of Los Angeles and in unincorporated areas are disproportionately rent burdened, including Rancho Dominguez, Agua Dulce, South Park, Florence, Broadway-Manchester, Westmont, Vermont-Slauson, Vermont Knolls, Hyde Park, Green Meadows, Van Nuys and Central-Alameda. Among the other 87 smaller cities in the County, El Monte, Palmdale, and Inglewood are among the most rent burdened.

Other demographic indicators can be understood as proxies for neighborhood wealth and rent burden. For example, data compiled by the Chief Executive Office-Chief Information Office on the number of CalFresh recipients by zip code show concentrations in the Antelope Valley, the northern San Fernando Valley, central and eastern Los Angeles, and in the east San Gabriel Valley. Countable household income generally must be at or below 130% Federal Poverty Level (FPL) to be eligible for CalFresh benefits, although some households may be eligible at or below 200% FPL if they qualify for benefits under modified categorical eligibility or broad-based categorical eligibility. For a family of four, 130% FPL is \$2,720 per month (\$32,640 annually) and 200% FPL is \$4,184 per month (\$50,208). A map of CalFresh recipients by zip code is included as **Attachment 2**.

Evictions are likely to be concentrated in areas experiencing rent burden.³² The impacts of evictions at the individual and family levels are described above. As also described above, neighborhoods experiencing high rates of eviction may suffer destabilizing effects at a community-level.

²⁹ Desmond, Matthew et al., *Social Service Review*, 232-233.

³⁰ Lindblom, Eric N. *Homelessness in America*, (Phoenix: Oryx Press, 1996) 187-189; Hartman & Robinson, *Housing Policy Debate*, 468-469.

³¹ Neighborhood Data for Social Change’ rising rent burden in Los Angeles data can be accessed at: <https://usc.data.socrata.com/stories/s/Rising-Rent-Burden-in-Los-Angeles/4wjy-s7d9/>.

³² Desmond, Matthew & Kimbro, Rachel Tolbert, “Eviction’s Fallout: Housing, Hardship, and Health,” *Social Forces*, 94, no. 1 (Sept. 2015), at 297-298.

III. Los Angeles Superior Court Data Does Not Provide Details About the Geographic Location of Evictions or the Outcome of Unlawful Detainer Proceedings

A landlord wishing to evict a tenant in California must file a complaint for unlawful detainer in State Superior Court; self-help evictions, when a landlord retakes possession of a property without using the eviction process, are prohibited. Common allegations include the failure to pay rent when due, a material breach of the lease terms, such as an unauthorized occupant living in the property, and using the property to maintain a nuisance or illegal activity, among other allegations. Generally, State law requires the landlord to serve all tenants with notice of the allegations prior to filing the unlawful detainer complaint. For a failure to pay rent, State law requires landlords to serve tenants with a three-day notice to pay rent or quit.

According to the available data on unlawful detainer filings from the Los Angeles Superior Court there were 42,472 unlawful detainer filings in Los Angeles County in 2018, 45,602 in 2017, and 49,178 in 2016. Unlawful detainer filings have trended downward since 2008. Court data only captures unlawful detainer filings. The data does not show how many people were ultimately evicted as a result of the unlawful detainer filing, and does not show the number of people who were evicted prior to the filing of an unlawful detainer proceeding, including tenants who voluntarily vacated a unit following the threat of an eviction.

Court data on unlawful detainer filings are recorded by courthouse. The table below shows the number of unlawful detainers processed in each of the 12 courthouses accepting unlawful detainer filings Countywide.

Unlawful Detainer Filings by Courthouse 2018	
Courthouse	Number of Filings
Central	13,281
Pasadena	3,928
Van Nuys	3,698
Long Beach	3,372
Norwalk	3,002
West Covina	2,906
Santa Monica	2,825
Inglewood	2,728
Compton	2,605
Lancaster	2,151
Chatsworth	1,975
Catalina	1

Each courthouse is part of a judicial district covering multiple zip codes and communities. A map of judicial districts is included in **Attachment 3**. While unlawful detainer filings are tracked by courthouse, court data does not track the number of filings by zip code.

SECTION 2

Legal Representation for Tenants as a Tool to Combat Housing Instability and Homelessness

- I. ***Existing Programs Providing Legal Representation for Tenants Show Such Services Can Be Cost-Effective Ways to Reduce Evictions Overall and Prevent Disruptive Displacements***
 - A. ***The New York City Model Combines Full-Scope Legal Representation and Supportive Services to Keep Tenants Housed and Address Root Causes of Eviction and Displacement***

One way to prevent or limit the impacts of an eviction is by providing full scope legal representation and other supportive services to tenants before and after an unlawful detainer case is filed. Without an attorney, tenants are likely to misunderstand the requirements and expectations of the eviction case. Cases often proceed rapidly, sometimes within a few minutes, and tenants are at a severe disadvantage if they do not have the prerequisite legal understanding or representation. According to New York City data, absent programs to provide tenants with attorneys, as many as 90% of low-income tenants will not have legal representation during eviction hearings, while 97.6% of landlords are represented by an attorney.³³ Only 22% of self-represented tenants are able to avoid eviction, but the percentage is much higher for those with full representation.³⁴

Partly in response to the above data, in 2005, New York City established the Housing Help Program (HHP), within the Department of Homeless Services, in partnership with the courts, nonprofit legal services providers, and philanthropy, which offered legal representation and other services for tenants facing eviction. During an initial trial, New York City showed that targeting those struggling to avoid eviction with holistic services, including eviction defense, can reduce homelessness. The first pilot served an area with some of the highest rates of residents entering shelters within the city, and the area also had a high poverty and unemployment rate. The city partnered with the Legal Aid Society of New York City, a nonprofit legal services organization, to act as the legal

³³ "Housing Court, Evictions, and Homelessness: The Costs and Benefits of Establishing a Right to Counsel," Community Training Resource Center, 1993

³⁴ Knight, Rachel. "The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experience," *Law and Society Review* (2001).

service provider for the HHP and offered additional wraparound services by partnering with other agencies. During a three-year period, HHP served 1,388 families, or about 76% of all eligible families facing an eviction case, and about six percent of all residents in the target area.³⁵

The trial program was successful for those who utilized HHP services. HHP offered legal services for tenants in eviction proceedings regardless of merit, and 91% of clients achieved a positive housing or legal outcome, including eviction prevention (86%), relocation to permanent housing (4.3%), and restored possession of the original apartment (1.4%).³⁶

HHP provided specialists in several disciplines and offered some legal services through paralegals to increase efficiency and reduce overall operational costs. Clients received frequent monitoring, consultation, and guidance from social workers and paralegal staff to demonstrate the advantages of counseling and advocacy.³⁷ For cases where an attorney provided full-scope legal representation, the attorney would continue to represent the client until the court case was resolved through judgment, dismissal, or settlement.³⁸ The client flow process for HHP is included in **Attachment 4**.

HHP also provided additional services for tenants to address housing instability and displacement. Over 90% of families within HHP were identified as having at least one social service need, and 88% of all clients received at least one hour of social services, with some receiving over 10 hours.³⁹ About 15% of clients were referred to an external social services agency for assistance, highlighting the need for intra- and interagency cooperation.⁴⁰

HHP offices were located within civil courthouses to aid in accessibility to clients. This also sped up the processing of cases and helped identify cases where tenants had not sought services or assistance designed to help them avoid having to go to court. According to one study, 75% of families in New York City do not seek assistance before entering a shelter.⁴¹ Because of the close relationship between housing court judges and HHP, judges immediately referred qualifying tenants to HHP staff.

In New York City, approximately \$331 million is spent annually on family shelters.⁴² In 2009, the average cost to shelter one family for one day was \$105.22, and during fiscal year 2008, the average length of stay was 292 days.⁴³ Ignoring the broader social costs, the average cost to shelter a family in New York City was \$30,724 based on fiscal year

³⁵ Seedco. *Housing Help Program: Homelessness Prevention Pilot Final Report*. New York, 2010: 2.

³⁶ *Ibid.*, 31.

³⁷ *Ibid.*, 2.

³⁸ *Ibid.*, 13.

³⁹ *Ibid.*, 2.

⁴⁰ *Ibid.*, 2.

⁴¹ Vera Institute of Justice. *Understanding Family Homelessness in New York City: An In-Depth Study of Families' Experiences Before and After Shelter*. New York, 2005.

⁴² Seedco. *Housing Help Program: Homelessness Prevention Pilot Final Report*. New York, 2010: 6.

⁴³ *Ibid.*, 6

2008 data.⁴⁴ HHP served a population at risk of homelessness and received a positive court case outcome for 91% of clients, and prevented shelter entry for 94.3% of clients.⁴⁵ The average cost for HHP services was about \$986 per client, which represents a significant cost savings over providing shelter for families, and saved New York City money overall.⁴⁶ According to one estimate, HHP saved the city \$737,376 annually in shelter costs, with a return on investment of 64%, not including the increased social benefits.⁴⁷

In 2018, the mayor of New York City signed a bill requiring the creation of a universal representation program for tenants citywide, initially in target zip codes, to be administered through the Office of Civil Justice within the Human Resources Administration. The Office of Civil Justice partners with approximately 20 legal service providers, including the Legal Aid Society of New York City, which was integral to the success of the HHP. To qualify for legal representation under the program, a tenant must live in one of the zip codes identified for the pilot program and be at or below 200% FPL.⁴⁸

During the first year of expanded implementation, 87,419 individuals and 33,058 families were referred to the program for some form of assistance. Of the 21,955 households which required legal representation in court, 84% were able to remain in their homes.⁴⁹ The number of individuals who received services from an administration-funded legal assistance program since inception, not just those who received legal services, was nearly 250,000.⁵⁰

The program has already begun to affect the number of eviction proceedings being filed in New York City. Total evictions declined by 27% in 2018 as compared to 2013, and 30% of tenants facing an eviction case were represented by a lawyer, up from 1% in 2013.⁵¹

The consultant for New York City's expanded program, Stout Risius Ross, found the full program could save the city nearly \$320 million in the form of reduced shelter costs, affordable housing costs, and unsheltered homeless costs.⁵² The program is expected to cost between \$153 and \$256 million annually.⁵³ These estimates fluctuate based on the cost to provide counsel, the success rate of the program, and the factors being considered as a cost to the city.

⁴⁴ Ibid., 7.

⁴⁵ Ibid., 28.

⁴⁶ Ibid., 36.

⁴⁷ Ibid., 37.

⁴⁸ New York City Administrative Code §26-1301.

⁴⁹ New York City Human Resources Administration: Office of Civil Justice. *Universal Access to Legal Service: A Report on Year One of Implementation in New York City*. New York, 2018: 2.

⁵⁰ Ibid., 1.

⁵¹ Ibid., 4.

⁵² Stout Risius Ross, INC. *The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A*. New York, 2016: 3.

⁵³ Ibid., 5.

B. *The Sargent Shriver Civil Counsel Act, Assembly Bill (AB) 590, Provides Legal Services for Tenants in Los Angeles County on a Pilot Basis and Has Improved Housing Outcomes for Those Receiving Services*

The Sargent Shriver Civil Counsel Act (AB 590) required that the California Judicial Council identify and fund, on a pilot basis, legal representation and improved court services for low-income parties on critical legal issues affecting basic human needs, such as housing, child custody disputes, and domestic violence, among others.⁵⁴

The pilot projects are operated by legal services nonprofit corporations across the State, who work in collaboration with local superior courts. Six of the pilot programs provided assistance with housing and unlawful detainer actions, including a pilot program in Los Angeles County.

On July 31, 2017, the Judicial Council released a supplemental report evaluating the Sargent Shriver Civil Right to Counsel Act pilot programs. The report concluded that, among housing cases receiving representation by Shriver counsel:

- Significantly fewer Shriver cases ended by default;
- Representation by Shriver counsel helped tenants avoid evictions;
- Most cases settled, providing more certainty for landlords and tenants; and
- Shriver services supported longer-term housing stability. The higher rate of settlement agreements among Shriver clients, and the terms of those agreements supported longer-term housing stability.

In Los Angeles County, the Shriver housing pilot project is a collaboration between the Los Angeles Superior Court and four non-profit legal services providers: Neighborhood Legal Services of Los Angeles (NLSLA), Inner City Law Center (ICLC), Legal Aid Foundation of Los Angeles (LAFLA), and Public Counsel. The Shriver pilot is operated out of an eviction assistance center in the Stanley Mosk Courthouse in downtown Los Angeles, which is the largest court in the Los Angeles Superior Court system and serves many of the County's most rent burdened neighborhoods, including Skid Row, South Los Angeles, and Pico-Union.⁵⁵ NLSLA is the lead legal-services provider for the County's Shriver pilot.

To be eligible for Shriver counsel, litigants must have an active unlawful detainer case, have an income at or below 200% FPL, face an opposing party represented by legal counsel, and have a complaint filed at the Stanley Mosk Courthouse. After an initial screening, cases which have sufficient merit or where the litigant exhibits certain

⁵⁴ Judicial Council of California. *Evaluation of the Sargent Shriver Civil Right to Council Act (AB 590)*. San Francisco, 2017.

⁵⁵ *Ibid.*, 55-56

vulnerabilities, including disability or language barriers, are referred to full-scope legal representation. Other eligible cases may receive “unbundled services,” including assistance filing a complaint or answer, technical assistance, or limited scope representation.⁵⁶

From 2011 through fall 2015, the Shriver pilot in Los Angeles County served 10,182 clients, with 52% receiving full representation and 48% receiving unbundled services. Shriver attorneys worked an average of 11 hours per full representation case and two hours per unbundled services case. The majority of Shriver clients were female (57%). Forty-five percent were Latino and 30% were Black or African American.⁵⁷ The median monthly income was \$1,000, and the median rental amount was \$850. Fifty-two percent of cases served by Shriver counsel had at least one minor living in the home, and 41% received CalFresh benefits.⁵⁸

Among cases where Shriver counsel provided full representation, no default judgments were entered because the tenant failed to respond to the unlawful detainer complaint. About two-thirds of cases were resolved by settlement, and an additional 22% dismissed by plaintiffs. Outcomes favored longer-term housing stability. At the end of their court cases, 22% of clients were able to remain in their homes. In cases where tenants moved, 89% resulted in some positive outcomes supporting tenants’ longer-term housing stability, including:

- 71% had their move-out dates adjusted;
- 79% had their rental debts reduced or waived;
- 45% retained their housing subsidies;
- 86% had their unlawful detainer case masked from public view; and
- 54% had their credit protected.⁵⁹

Regarding credit, tenants who received full representation were about three times more likely not to have the unlawful detainer action reported to credit agencies, receive a neutral credit reference from a landlord, or have their unlawful detainer record sealed.⁶⁰

The average cost per full representation case in Los Angeles County was \$1,425, and the average cost for unbundled services was \$169.⁶¹

⁵⁶ *Ibid.*, 57.

⁵⁷ *Ibid.*, 58.

⁵⁸ *Ibid.*, 61.

⁵⁹ *Ibid.*, 62-63.

⁶⁰ *Ibid.*, 128.

⁶¹ *Ibid.*, 173.

SECTION 3

Legal Representation for Tenants in Los Angeles County

I. Summary of Consultation with County Departments and Agencies, Los Angeles Superior Court, Non-Profit Legal Service Providers, and the City of Los Angeles

A. County Departments and Agencies

Pursuant to the Board's directive, we met with representatives from the Departments of Public Health, Mental Health, and Public Social Services, the Public Defender and Alternate Public Defender, and the Los Angeles County Development Authority. We also consulted with the Los Angeles Homeless Services Authority.

Each of the departments and agencies above provided us with key data collected by the departments on program utilization which may be used to inform a discussion about the geographic requirements for a pilot program and the current initiatives which could benefit from the implementation of an eviction defense program. Although each department has a unique mission and vision, many of the client populations overlap for the involved departments. Many of these clients would benefit from improved wraparound services offered by an eviction defense program, and these services would directly improve the eviction defense program overall.

B. Los Angeles Superior Court

Consistent with the Board's motion, we met with Los Angeles Superior Court representatives to discuss opportunities to collaborate on the development of a legal representation program for tenants. In addition to providing us the unlawful detainer data described above, court representatives indicated that, while they are not able to participate in such a program without compromising the court's neutrality among litigants, they wished to continue to dialogue with the County about the operational design of a legal representation program for tenants to ensure litigants are able to access the program without unduly impacting court services.

C. Non-Profit Legal Services Providers

To aid in the development of a framework for an expanded eviction defense program for the City of Los Angeles, the Los Angeles Housing and Community Investment Department (HCIDLA), the Office of Councilmember Paul Koretz, and landlord and tenant advocates, under the direction of the Office of Mayor Eric Garcetti, convened a "Right to Counsel" working group. The Right to Council Coalition (RTCC) proposed a framework

for an expanded eviction defense program and provided details of the program to DCBA and CEO/Homeless Initiative as recommendations for a Countywide program.

RTCC recommends a program be implemented through:

- **Education and Outreach.** RTCC recommends the creation of a public information campaign which targets tenants and landlords by expanding existing education relating to rent stabilization. Existing branding could be built upon and leveraged, and public spaces could be utilized for display. Community-based organizations are also identified as being able to provide information to tenants, as well as landlords upon inception of a new lease agreement.
- **Eviction Prevention Interventions.** The purpose of the Right to Counsel program is not only to provide eviction defense services to tenants, but to also provide services which stabilize the leasing arrangement and inhibit eviction proceedings initially. Eviction prevention strategies include referring all tenants, regardless of program eligibility, to resource service centers to coordinate assistance among many providers, landlord/tenant mediation, referrals to HCID and the County's Department of Public Health, rent stabilization assistance, negotiation services, rental assistance based on eligibility, referrals to other legal services, requests for reasonable accommodations, and other services which would stabilize housing.
- **Full Representation in Eviction Proceedings for Eligible Tenants.** RTCC recommends providing free legal representation for tenants who are at or below 80% of the Area Median Income (AMI). Individuals above 80% of the AMI will be referred to outside providers and services but are not recommended to have the cost of legal representation subsidized by the program. RTCC recommends phasing services in by zip code, but not by prioritizing any subpopulations in those areas. Tenants will be first eligible for full representation from the moment they receive a termination notice up until 1 day before the trial, and attorneys will represent tenants through the trial, including for settlement negotiations.
- **Rental Assistance.** The RTCC recommends that both long- and short-term rental assistance be provided at all stages of the intervention process. RTCC recommends prioritizing certain tenant households including those who live in affordable housing and those with young children. Rental assistance should be paired with case management to ensure effective administration.
- **Ongoing Tenant Support.** By utilizing case management, RTCC recommends connecting tenants with supportive services and assisting with other housing resources should their current living situation not be sustainable. This would also include educational and job training resources.

- **Program Evolution.** A successful eviction defense program will need to utilize data to ensure efficient program administration. RTCC recommends evaluating the number and demographics of people served, the eviction prevention outcomes by intervention, the distribution of evictions filed, the client feedback, anonymous assessment, and interviews with service providers. Data will be collected during intake, but clients should have the option to refuse to have their data utilized.

A copy of the complete proposal prepared by the RTCC is included in **Attachment 5**. As part of the development of this report, we met numerous times with RTCC members and will continue to engage the RTCC on program design and development, to the extent consistent with subsequent direction from the Board.

D. City of Los Angeles

We met with representatives from the City of Los Angeles to discuss their approach to legal representation for tenants. City staff expressed a willingness to discuss collaborating with the County to design a legal representation program for tenants. We recommend continuing to discuss these opportunities with the City of Los Angeles.

II. Options for a Legal Representation Program for Tenants in Los Angeles County

As detailed above, legal representation programs can play a role in preventing homelessness, reducing displacement of tenants from their homes and communities, help stabilize housing outcomes for tenants, and reduce costs to local governments associated with evictions. As additionally shown in the New York model, legal representation for tenants can alter landlord behavior, resulting in fewer eviction proceedings filed and an increased rate of negotiated outcomes, which are often better for tenants and may be less costly for landlords.

In Los Angeles County, a legal representation program for tenants can complement other homeless prevention efforts already underway, including rent stabilization and “just cause” ordinances in effect in unincorporated areas and some cities, efforts to provide permanent supportive housing to homeless individuals and families, and the construction of new affordable housing units throughout the County.

Pursuant to the Board’s May 21, 2019, motion and the research above, we have identified the following objectives to guide the development and implementation of a legal representation program for tenants:

- Support longer-term housing stability for tenants, including by allowing tenants to stay in their homes longer and avoid negative impacts to their credit;
- Reduce costs to the County associated with evictions, and in particular evictions that lead to homelessness, neighborhood housing instability, and negative health outcomes for families and children; and

- Decrease the rate of evictions filed in favor of negotiated outcomes that provide landlords and tenants more certainty and stability.

To achieve these purposes, we recommend establishing programming in phases. This will ensure that program costs and outcomes can be carefully measured, and allows adjustments to program design, before bringing the program to scale. We also recognize the significant complexity and investment to develop programming, even in phases, and recommend leveraging existing programs and partnerships to extend limited resources.

Options for the first phase of a legal representation program are described below.

A. *Program Components in the First Phase*

Program components in the first phase of the legal representation program for tenants should include:

- **Full-scope legal representation.** Full-scope legal representation is the hallmark of a legal representation program for tenants and should be provided to all individuals eligible to receive services under the program to achieve program objectives. Providing the most comprehensive and cost-effective services can be achieved by contracting with legal service providers already providing legal representation in eviction proceedings and increasing their capacity. Although the Shriver Civil Counsel pilot program provides full-scope legal representation only for those with meritorious cases or identified vulnerabilities, we believe limiting representation only to cases with perceived merit or vulnerabilities will not achieve the goal of reducing evictions overall in favor of negotiated outcomes.
- **Eviction assistance centers in courthouses where services are provided.** Many tenants will be first engaged in courthouses where eviction proceedings are taking place. Legal services providers and other caseworkers participating in the program should have office space and staff within those courthouses to conduct client intake and counseling, prepare and file pleadings, motions, and other filings, and offer collocated services. Having staff and capacity onsite in courthouses will also increase the operational efficiencies of the program. The County has existing space within courthouses which will have to be reviewed and analyzed for this purpose. In addition, NLSLA maintains an eviction assistance center in the Stanley Mosk Courthouse, Central District, which should be evaluated for use in connection with the County's programming.
- **Related services, which can be collocated at eviction assistance centers in courthouses.** Existing County services should be available for tenants at eviction assistance centers where tenants engage legal services providers. For example, tenants eligible for legal services may be eligible for CalWORKs (if they are families) and CalFresh benefits, homelessness prevention services, and/or wraparound services for immigrant families. Tenants should also be made aware of anti-poverty efforts such as the availability of the earned income tax credit and

alternatives to high-cost loan products. County staff can be collocated at eviction assistance centers to provide these services. Alternatively, the program can include funding for ambassadors who are trained to identify, counsel, and potentially enroll tenants for eligible benefits.

- **Outreach.** We concur with the RTCC that outreach is essential to ensure tenant households who are eligible receive available services and reduce the overall number of evictions in eligible areas. We recommend the County create and launch a branded outreach campaign to alert tenants to the availability of program services, and identify outreach partners such as community benefit organizations, nonprofits, faith-based partners, and other cities and agencies. As an additional option, the County could set aside funding to contract with community benefit organizations and neighborhood nonprofits to conduct direct outreach at the street level.
- **Short-term rental assistance.** Monetary rental assistance for rent that is past due or coming due can allow tenants to remain housed while their eviction case is resolved, and their long-term housing stability evaluated. We recommend allowing up to three months' short-term rental assistance, which can include first and last month's rent and a security deposit for new housing.
- **Case management following eviction proceeding (optional).** Case management for up to six months following the eviction proceeding is an optional component of the first phase but would help achieve the program objectives of supporting longer-term housing stability for tenants and reducing costs to the County associated with the effects of evictions. Case management services can include status checks, continued monitoring of tenants for available services, and financial coaching to reduce debt and build wealth, among other services.

Additionally, during our consultation with the Public Defender and Alternate Public Defender staff and leadership, those departments identified unique needs their clients and their clients' families face following an arrest. In many cases, the fact of an arrest or period of incarceration will result in loss of income to the family and can lead to housing instability or eviction. Moreover, the Public Defender reports that there are inherent impediments which arise regarding communication with justice-involved individuals who have open criminal cases. Inquiries relating to housing instability will often tangentially touch upon matters material to criminal adjudications, such as substance abuse, mental health, probation or parole conditions. Because client communications with Public Defenders are protected by the Sixth Amendment to the U.S. Constitution, justice-involved indigent persons can feel secure disclosing this sensitive information to their attorneys. This information can be put through legal analyses to best assess if it can be utilized in the civil arena or whether confidentiality in the criminal case is the prevailing concern.

Based on these considerations, the Public Defender and Alternate Public Defender expressed interest in building in-house capacity, including potential civil legal services, to

provide clients with housing-related and other wraparound services. With additional staff, both Departments would create small units to assist the justice-involved indigent population with housing instability and eviction defense needs. Attorneys in this new unit would draw upon their specialized knowledge of and experience working with indigent, justice-involved clients to advocate for their unique needs and the needs of their families and represent those interests in civil legal proceedings where appropriate. Attorneys in these new units would complement existing community legal service groups and would assess the needs of justice-involved clients to determine which clients would be best served by referral to a legal aid organization through the program, and which clients should have their interests represented by Public Defenders to ensure civil litigation does not impact the criminal case. Depending on the level of funding, the services provided by the Public Defender and Alternate Public Defender could be implemented countywide or only in the zip codes that will initially be served through the universal representation program.

The extent to which the Public Defender and Alternate Public Defender can provide the above-described services should be evaluated by the County Counsel, in consultation with the Public Defender and Alternate Public Defender.

B. Eligibility for Services in the First Phase

Eligibility for services in the first phase should be based on the following criteria:

- **Income Eligibility.** We recommend that all households with verified income at or below 80% Area Median Income (AMI)⁶² who are defendants in an unlawful detainer action be eligible for full-scope representation under the first phase of the program, unless they are otherwise eligible for full-scope representation under the Shriver housing pilot program in the Stanley Mosk Courthouse (Central District). As explained above, Shriver is limited to tenants at or below 200% Federal Poverty Level with an unlawful detainer case filed in Stanley Mosk Courthouse, among other eligibility criteria. In fiscal years 2013 and 2014, an average 16,364 unlawful detainer cases were filed annually in the Stanley Mosk Courthouse, and the Shriver pilot project provided legal aid services to an average 3,068 cases per year.⁶³ Just over half received full-scope representation.⁶⁴ To avoid duplication and maximize funding sources, the County's program should complement, not compete with, the existing Shriver program.

⁶² A family of four at or below 80% of AMI has an annual income of \$77,500 or less. Compare that to a family of four at or below 200% Federal Poverty Level, which has an annual income of \$51,500 or less. We recommend using AMI as the standard for eligibility under the County program because it better accounts for the cost of living in Los Angeles County. Further, providing full-scope representation only to those at or below 200% Federal Poverty Level could encourage landlords to avoid renting to very low-income individuals and families. A chart showing the AMI for federal fiscal year 2018 in the Los Angeles-Long Beach-Glendale HUD Metro FMR Area is included in **Attachment 6**.

⁶³ Judicial Council of California. *Evaluation of the Sargent Shriver Civil Right to Council Act (AB 590)*. San Francisco, 2017: 57.

⁶⁴ *Ibid.*, 59.

- **Geographic Eligibility.** In the first phase of the program, we recommend that each Board office identify a zip code or cluster of zip codes within its district which contains a significant number of renter households and a large percentage of rent burdened households, a concentration of CalFresh recipients, or both. Because judicial districts cross supervisorial districts and span multiple zip codes, we further recommend that zip codes chosen consolidate services in the fewest number of courthouses to reduce startup costs in the initial phase. We recommend that the Board offices work closely with us to identify appropriate zip codes that meet these criteria and serve the greatest need in your respective districts.

Other than income and geographic eligibility, we do not recommend that tenants be prioritized for eligibility because of additional factors, such as the presence of minor children in a household, those with a disability, or other characteristic. Including additional limiting characteristics could incentivize landlords not to lease to tenants with these factors or characteristics.

C. Partnerships with Cities

As explained above, City of Los Angeles staff expressed a willingness to collaborate with the County to design a legal representation program for tenants. Following the identification of target zip codes eligible for services in the first phase of the program, we recommend engaging any cities whose residents may be eligible for service. Collaboration with these cities could include joint funding, enhanced services and outreach, and/or in-kind support such as the use of city facilities.

III. Staffing and Resource Needs

We recommend that responsibility to administer a legal representation program for tenants be housed within DCBA. DCBA has recently established a tenant protections program consisting of rent stabilization staff serving tenants and mobilehome residents in unincorporated areas, in addition to existing State-funded foreclosure prevention and real estate fraud services. DCBA also has a longstanding relationship with the Los Angeles County Superior Court and currently provides small claims advisory services and mediation in courthouses and at DCBA office locations, and funds self-help legal access centers in nine courthouse locations. A legal representation program for tenants will be incorporated into DCBA's tenant protections programming, and DCBA will leverage existing programs to reduce startup and ongoing operational costs for the program.

Beginning with the launch of a legal representation program for tenants, DCBA will require new administrative staff to prepare, monitor, and audit contracts with legal services providers and others, and new program staff to develop and supervise substantive program functions, and track and measure program outcomes.

We further recommend that the Board allocate funding to support an education and outreach campaign and contracts with nonprofits and community benefit organizations and provide funds to allow the Chief Executive Officer to contract with an evaluator to

study and monitor the cost and outcomes of a legal representation program for tenants. Ongoing study, monitoring, and evaluation will be critical to developing a mature and cost-effective program in subsequent phases.

Upon direction from the Board, DCBA will work with the Chief Executive Officer to identify the number and cost of new DCBA staff required to administer and monitor the program properly, and will finalize the cost to develop, launch, and operate the first phase of the program based on the specific direction which the Board provides.

IV. Funding Options

The cost of the first phase of the program, including legal representation and related services, staffing, and infrastructure, will depend on the Board's direction regarding the design and scope of the program.

For fiscal year 2019-2020, we recommend allocating approximately \$2 to \$3 million in startup funding from available Measure H sales tax revenues, with an anticipated program launch in the third quarter of fiscal year 2019-20. These funds will likely cover the initial launch and operation of the tenant representation program for the target zip codes. Experience from other County legal services programs, such as the Los Angeles Justice Fund, a public-private partnership to provide deportation defense to immigrants at imminent risk of removal, indicates that funds allocated for legal services are likely to be drawn down more slowly initially as legal service providers build capacity.

For fiscal year 2020-21, upon direction from the Board, DCBA will work with the Chief Executive Officer to cost-out the program. The following potential funding sources should be considered to develop sustainable, braided funding. Additional detailed review of each possible funding source and consultation with involved departments and agencies is needed to determine the eligibility and availability of funding.

- **Senate Bill (SB) 2, Building Homes and Jobs Act.** SB2 created the Building Homes and Jobs Trust Fund to generate new housing opportunities in California through the imposition of a \$75 fee on certain real estate transactions. SB 2 is expected to generate approximately \$250 million in revenue per year, providing local governments with the ability to apply for 50% of the money collected in 2018 and 70% of the money collected year 2 and ongoing to assist persons experiencing or at risk of homelessness. This funding can potentially be used for Rental Assistance.
- **Mental Health Service Act (MHSA).** MHSA provides funding, personnel, and other resources to support county mental health programs consistent with local mental health plans for children, transition age youth, adults, older adults, and families through the imposition of a 1% income tax on personal income in excess of \$1 million. The Department of Mental Health's Housing Assistance Program provides rental assistance, security deposits, household goods and eviction prevention with an overall budget of approximately \$1.9 million.

DMH's Housing Assistance Program is available as an in-kind resource that can be leveraged by a program providing legal representation for eligible tenants in Los Angeles County served through the Department's network of mental health providers.

- **California Work Opportunity and Responsibility to Kids (CalWORKs).** CalWORKs is a public assistance program that provides cash aid and services to eligible families that have a child or children in the home. CalWORKs funding is potentially available on an ongoing basis to fund legal representation and related support services for certain CalWORKs families with children 18 years or younger.
- **Community Development Block Grant (CDBG) program.** The CDBG Program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. The federal Department of Housing and Urban Development determines the amount of each grant by using a formula comprised of several measures of community need, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas. CDBG grants are administered by states to smaller units of general local government to develop and preserve decent affordable housing, provide services to vulnerable communities, and create and retain jobs. CDBG is potentially available to fund all components of a legal representation program for tenants.
- **Homeless Housing, Assistance, and Prevention Program (HHAPP).** HHAPP originated from AB 101, the FY 2019-20 Housing Development and Financing Trailer Bill, and provides local governments with funding to address homelessness through a one-time investment of \$650 million. HHAPP is administered by the Homeless Coordinating and Financial Council within the California Business, Consumer Services and Housing Agency. Applications for the program must be submitted by February 15, 2020. Eligible applicants in Los Angeles County are the County, the Los Angeles Homeless Services Authority, the Cities of Los Angeles and Long Beach, and Glendale, Long Beach and Pasadena Continuums of Care. HHAPP award recipients are expected to be identified by April 1, 2020. While it is one-time funding, it may be spread across multiple years. HHAPP funding can be used for rental assistance.
- **Measure H sales tax revenue.** For this fiscal year, the Board approved \$460 million to fund services, rental subsidies, and housing to combat homelessness across multiple strategies. Of this amount, \$23 million has been dedicated to the homeless prevention programs for individuals and families, including outreach and education, rental assistance, and legal representation. Legal services are provided by Inner City Law Center and its subcontractors.

Measure H revenues could legally be used to fund all components of the program.

- **Consumer protection civil penalties.** Pursuant to the State Unfair Competition Law, the County receives civil penalties paid in lawsuits against violators of applicable unfair business practices laws. These civil penalties must be used by the County Counsel or the District Attorney to enforce consumer protection laws. To the extent the program is potentially eligible for funding, civil penalties could only fund those components of the program that enforce consumer protection laws.
- **Additional State revenue.** Additional State revenue not identified above could become available to fund some or all program components.

V. Strategic Plan for Legal Services

As part of the research for this report, we have identified multiple programs funded by the Board providing legal services to County residents. These programs include legal representation for persons in housing court who are at imminent risk of experiencing homelessness, funded as part of the strategies adopted under Measure H; the Los Angeles Justice Fund, which provides deportation defense to immigrants at imminent risk of removal; and legal services to address immigration issues for foster youth, provided by Bet Tzedek under contract with the Department of Children and Family Services, among others.

These programs support low-income County residents and other residents in need and represent substantial investment and significant impact. In June 2015, New York City established its Office of Civil Justice to monitor and study newly- expanded legal services for New York City residents, including in housing and immigration court. Similarly, here, a centrally -monitored strategic plan for legal services could increase economies of scale for these programs and allow the County to measure impacts and effectiveness of services more accurately across the multiple programs. In addition, a global review of County-funded legal services could better evaluate the need for existing and new services.

CONCLUSION

A program providing legal representation for tenants in Los Angeles County is a potential tool which, in combination with other strategies, can reduce housing instability, displacement, and homelessness resulting from the rate of evictions in certain County neighborhoods and communities. If successful, such a program will change landlord-tenant behavior by leading to less eviction filings, more negotiated outcomes, and overall cost reductions to the County. Program implementation should be monitored carefully to ensure that program design is appropriate, that services are accessible and effective, and that the purposes of the program are met.

ATTACHMENT 1

APPLICABLE CENSUS DATA
2013-2017



S2503

FINANCIAL CHARACTERISTICS

2013-2017 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Subject	Los Angeles County, California				
	Occupied housing units		Percent occupied housing units		Owner-occupied housing units
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Occupied housing units	3,295,198	+/-5,018	3,295,198	+/-5,018	1,512,364
HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2017 INFLATION-ADJUSTED DOLLARS)					
Less than \$5,000	114,173	+/-2,500	3.5%	+/-0.1	27,137
\$5,000 to \$9,999	87,690	+/-2,055	2.7%	+/-0.1	18,580
\$10,000 to \$14,999	178,737	+/-2,595	5.4%	+/-0.1	34,182
\$15,000 to \$19,999	156,089	+/-2,589	4.7%	+/-0.1	36,590
\$20,000 to \$24,999	162,639	+/-2,601	4.9%	+/-0.1	43,563
\$25,000 to \$34,999	294,264	+/-3,486	8.9%	+/-0.1	87,959
\$35,000 to \$49,999	395,400	+/-3,930	12.0%	+/-0.1	140,231
\$50,000 to \$74,999	539,888	+/-4,637	16.4%	+/-0.1	233,771
\$75,000 to \$99,999	387,502	+/-4,162	11.8%	+/-0.1	205,141
\$100,000 to \$149,999	477,403	+/-4,824	14.5%	+/-0.1	300,336
\$150,000 or more	501,413	+/-4,116	15.2%	+/-0.1	384,874
Median household income (dollars)	61,015	+/-262	61,015	+/-262	90,774
MONTHLY HOUSING COSTS					
Less than \$300	103,787	+/-1,872	3.1%	+/-0.1	63,497
\$300 to \$499	162,954	+/-2,565	4.9%	+/-0.1	118,145
\$500 to \$799	279,735	+/-3,173	8.5%	+/-0.1	146,274
\$800 to \$999	293,834	+/-3,144	8.9%	+/-0.1	69,646
\$1,000 to \$1,499	812,218	+/-4,771	24.6%	+/-0.2	179,384
\$1,500 to \$1,999	596,985	+/-5,790	18.1%	+/-0.2	231,389
\$2,000 to \$2,499	381,112	+/-3,384	11.6%	+/-0.1	214,593
\$2,500 to \$2,999	238,600	+/-3,211	7.2%	+/-0.1	168,724
\$3,000 or more	380,991	+/-3,466	11.6%	+/-0.1	320,712
No cash rent	44,982	+/-1,284	1.4%	+/-0.1	(X)
Median (dollars)	1,482	+/-4	1,482	+/-4	1,889
MONTHLY HOUSING COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS					
Less than \$20,000	467,107	+/-4,552	14.2%	+/-0.1	103,729
Less than 20 percent	11,105	+/-710	0.3%	+/-0.1	7,673

Subject	Los Angeles County, California				
	Occupied housing units		Percent occupied housing units		Owner-occupied housing units
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
20 to 29 percent	28,920	+/-1,124	0.9%	+/-0.1	8,886
30 percent or more	427,082	+/-4,573	13.0%	+/-0.1	87,170
\$20,000 to \$34,999	449,005	+/-4,088	13.6%	+/-0.1	131,522
Less than 20 percent	33,638	+/-1,165	1.0%	+/-0.1	27,176
20 to 29 percent	34,569	+/-999	1.0%	+/-0.1	17,932
30 percent or more	380,798	+/-3,999	11.6%	+/-0.1	86,414
\$35,000 to \$49,999	390,169	+/-3,909	11.8%	+/-0.1	140,231
Less than 20 percent	48,631	+/-1,462	1.5%	+/-0.1	38,936
20 to 29 percent	72,137	+/-1,829	2.2%	+/-0.1	15,998
30 percent or more	269,401	+/-3,536	8.2%	+/-0.1	85,297
\$50,000 to \$74,999	533,691	+/-4,539	16.2%	+/-0.1	233,771
Less than 20 percent	112,745	+/-2,188	3.4%	+/-0.1	69,662
20 to 29 percent	167,450	+/-2,633	5.1%	+/-0.1	40,564
30 percent or more	253,496	+/-3,565	7.7%	+/-0.1	123,545
\$75,000 or more	1,357,076	+/-7,151	41.2%	+/-0.2	890,351
Less than 20 percent	725,695	+/-5,714	22.0%	+/-0.2	468,204
20 to 29 percent	407,304	+/-4,339	12.4%	+/-0.1	250,113
30 percent or more	224,077	+/-3,292	6.8%	+/-0.1	172,034
Zero or negative income	53,168	+/-1,725	1.6%	+/-0.1	12,760
No cash rent	44,982	+/-1,284	1.4%	+/-0.1	(X)

Subject	Los Angeles County, California				
	Owner-occupied housing units	Percent owner-occupied housing units		Renter-occupied housing units	
	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Occupied housing units	+/-10,252	1,512,364	+/-10,252	1,782,834	+/-7,178
HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2017 INFLATION-ADJUSTED DOLLARS)					
Less than \$5,000	+/-1,117	1.8%	+/-0.1	87,036	+/-2,265
\$5,000 to \$9,999	+/-905	1.2%	+/-0.1	69,110	+/-1,986
\$10,000 to \$14,999	+/-1,021	2.3%	+/-0.1	144,555	+/-2,676
\$15,000 to \$19,999	+/-1,100	2.4%	+/-0.1	119,499	+/-2,442
\$20,000 to \$24,999	+/-1,135	2.9%	+/-0.1	119,076	+/-2,440
\$25,000 to \$34,999	+/-2,111	5.8%	+/-0.1	206,305	+/-2,937
\$35,000 to \$49,999	+/-2,002	9.3%	+/-0.1	255,169	+/-3,504
\$50,000 to \$74,999	+/-2,959	15.5%	+/-0.2	306,117	+/-4,172
\$75,000 to \$99,999	+/-2,954	13.6%	+/-0.2	182,361	+/-2,934
\$100,000 to \$149,999	+/-4,056	19.9%	+/-0.2	177,067	+/-2,735
\$150,000 or more	+/-3,864	25.4%	+/-0.2	116,539	+/-2,219
Median household income (dollars)	+/-515	90,774	+/-515	42,647	+/-337
MONTHLY HOUSING COSTS					
Less than \$300	+/-1,592	4.2%	+/-0.1	40,290	+/-1,314
\$300 to \$499	+/-2,036	7.8%	+/-0.1	44,809	+/-1,460
\$500 to \$799	+/-2,273	9.7%	+/-0.1	133,461	+/-2,275
\$800 to \$999	+/-1,683	4.6%	+/-0.1	224,188	+/-2,786
\$1,000 to \$1,499	+/-2,765	11.9%	+/-0.2	632,834	+/-4,570
\$1,500 to \$1,999	+/-3,308	15.3%	+/-0.2	365,596	+/-4,394
\$2,000 to \$2,499	+/-2,971	14.2%	+/-0.2	166,519	+/-2,707
\$2,500 to \$2,999	+/-2,704	11.2%	+/-0.2	69,876	+/-1,873
\$3,000 or more	+/-3,189	21.2%	+/-0.2	60,279	+/-1,698
No cash rent	(X)	(X)	(X)	44,982	+/-1,284
Median (dollars)	+/-7	1,889	+/-7	1,322	+/-4
MONTHLY HOUSING COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS					
Less than \$20,000	+/-1,910	6.9%	+/-0.1	363,378	+/-4,500
Less than 20 percent	+/-552	0.5%	+/-0.1	3,432	+/-381
20 to 29 percent	+/-494	0.6%	+/-0.1	20,034	+/-953
30 percent or more	+/-1,790	5.8%	+/-0.1	339,912	+/-4,335
\$20,000 to \$34,999	+/-2,297	8.7%	+/-0.1	317,483	+/-3,735
Less than 20 percent	+/-1,016	1.8%	+/-0.1	6,462	+/-526
20 to 29 percent	+/-808	1.2%	+/-0.1	16,637	+/-769
30 percent or more	+/-1,879	5.7%	+/-0.1	294,384	+/-3,656
\$35,000 to \$49,999	+/-2,002	9.3%	+/-0.1	249,938	+/-3,463
Less than 20 percent	+/-1,190	2.6%	+/-0.1	9,695	+/-715
20 to 29 percent	+/-674	1.1%	+/-0.1	56,139	+/-1,919
30 percent or more	+/-1,592	5.6%	+/-0.1	184,104	+/-2,972
\$50,000 to \$74,999	+/-2,959	15.5%	+/-0.2	299,920	+/-4,093
Less than 20 percent	+/-1,658	4.6%	+/-0.1	43,083	+/-1,263
20 to 29 percent	+/-1,161	2.7%	+/-0.1	126,886	+/-2,503
30 percent or more	+/-2,094	8.2%	+/-0.1	129,951	+/-2,705
\$75,000 or more	+/-7,648	58.9%	+/-0.2	466,725	+/-4,368
Less than 20 percent	+/-5,239	31.0%	+/-0.2	257,491	+/-3,453
20 to 29 percent	+/-3,568	16.5%	+/-0.2	157,191	+/-2,711
30 percent or more	+/-2,539	11.4%	+/-0.2	52,043	+/-1,927
Zero or negative income	+/-669	0.8%	+/-0.1	40,408	+/-1,610
No cash rent	(X)	(X)	(X)	44,982	+/-1,284

Subject	Los Angeles County, California	
	Percent renter-occupied housing units	
	Estimate	Margin of Error
Occupied housing units	1,782,834	+/-7,178
HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2017 INFLATION-ADJUSTED DOLLARS)		
Less than \$5,000	4.9%	+/-0.1
\$5,000 to \$9,999	3.9%	+/-0.1
\$10,000 to \$14,999	8.1%	+/-0.1
\$15,000 to \$19,999	6.7%	+/-0.1
\$20,000 to \$24,999	6.7%	+/-0.1
\$25,000 to \$34,999	11.6%	+/-0.2
\$35,000 to \$49,999	14.3%	+/-0.2
\$50,000 to \$74,999	17.2%	+/-0.2
\$75,000 to \$99,999	10.2%	+/-0.2
\$100,000 to \$149,999	9.9%	+/-0.2
\$150,000 or more	6.5%	+/-0.1
Median household income (dollars)	42,647	+/-337
MONTHLY HOUSING COSTS		
Less than \$300	2.3%	+/-0.1
\$300 to \$499	2.5%	+/-0.1
\$500 to \$799	7.5%	+/-0.1
\$800 to \$999	12.6%	+/-0.1
\$1,000 to \$1,499	35.5%	+/-0.2
\$1,500 to \$1,999	20.5%	+/-0.2
\$2,000 to \$2,499	9.3%	+/-0.1
\$2,500 to \$2,999	3.9%	+/-0.1
\$3,000 or more	3.4%	+/-0.1
No cash rent	2.5%	+/-0.1
Median (dollars)	1,322	+/-4
MONTHLY HOUSING COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS		
Less than \$20,000	20.4%	+/-0.2
Less than 20 percent	0.2%	+/-0.1
20 to 29 percent	1.1%	+/-0.1
30 percent or more	19.1%	+/-0.2
\$20,000 to \$34,999	17.8%	+/-0.2
Less than 20 percent	0.4%	+/-0.1
20 to 29 percent	0.9%	+/-0.1
30 percent or more	16.5%	+/-0.2
\$35,000 to \$49,999	14.0%	+/-0.2
Less than 20 percent	0.5%	+/-0.1
20 to 29 percent	3.1%	+/-0.1
30 percent or more	10.3%	+/-0.2
\$50,000 to \$74,999	16.8%	+/-0.2
Less than 20 percent	2.4%	+/-0.1
20 to 29 percent	7.1%	+/-0.1
30 percent or more	7.3%	+/-0.1
\$75,000 or more	26.2%	+/-0.2
Less than 20 percent	14.4%	+/-0.2
20 to 29 percent	8.8%	+/-0.2
30 percent or more	2.9%	+/-0.1
Zero or negative income	2.3%	+/-0.1
No cash rent	2.5%	+/-0.1

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data).

The effect of nonsampling error is not represented in these tables.

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

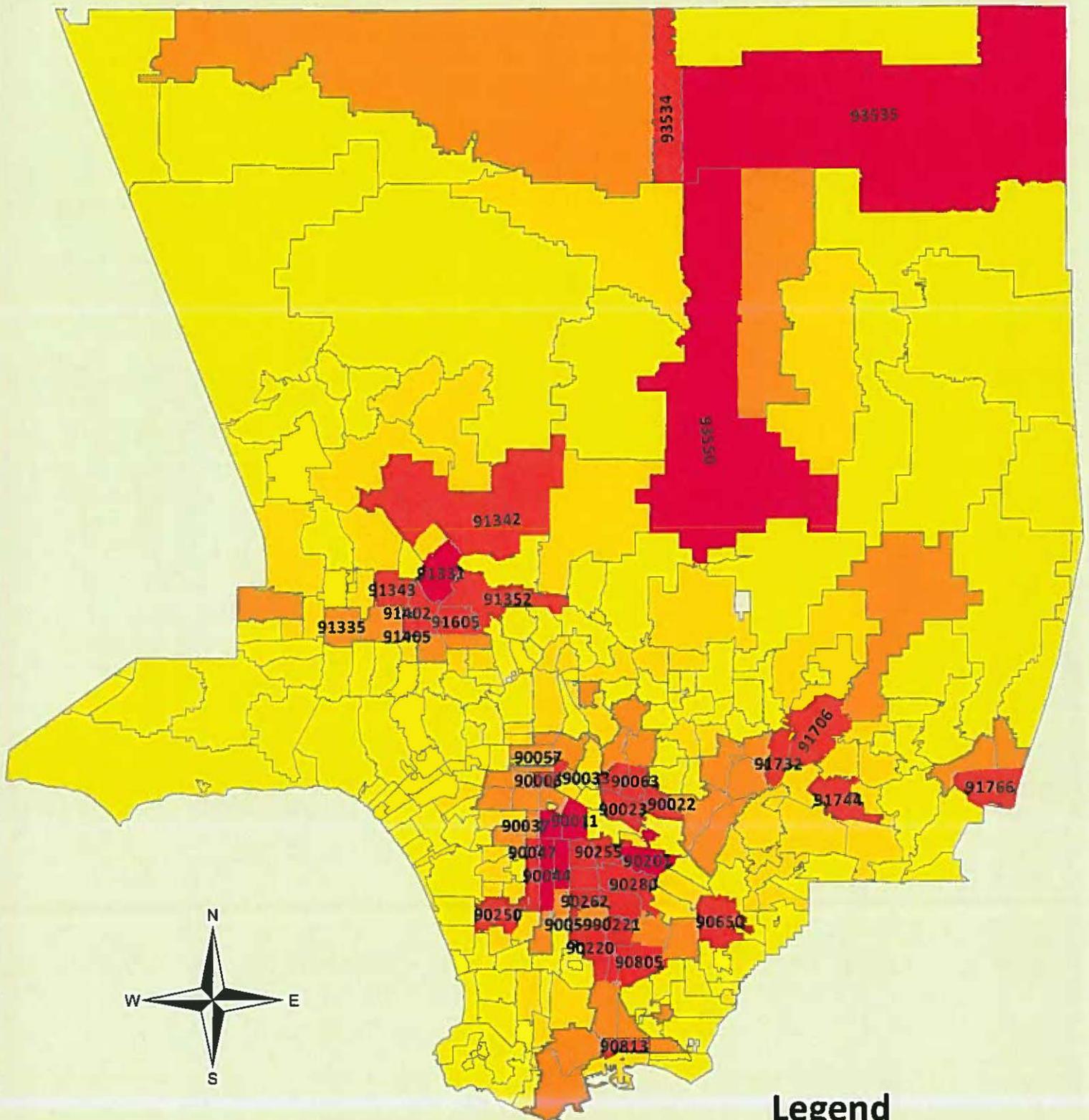
Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

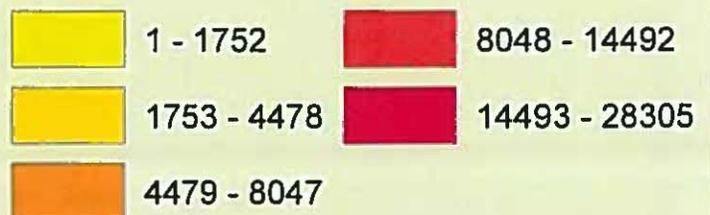
ATTACHMENT 2

CALFRESH RECIPIENTS BY ZIP CODE
JUNE 2019

CalFresh Recipients by Zip Codes - One Month



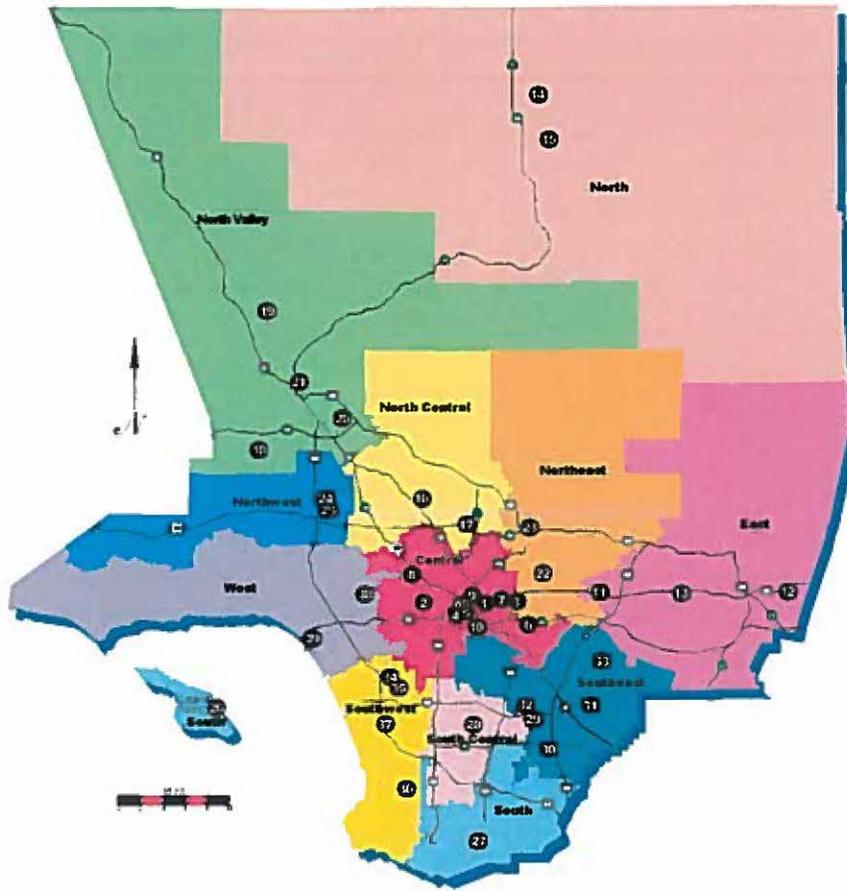
Legend



0 3 6 12 18 24 Miles

ATTACHMENT 3

**LOS ANGELES SUPERIOR COURT
COURTHOUSES BY JUDICIAL DISTRICT**



COURT DISTRICTS AND COURTHOUSE LOCATIONS

CENTRAL DISTRICT

- 1 Central Arraignment Courthouse
- 2 Central Civil West Courthouse
- 3 Edmund D. Edelman Children's Courthouse
- 4 Stanley Mosk Courthouse
- 5 Clara Shortridge Foltz Criminal Justice Center
- 6 East Los Angeles Courthouse
- 7 Eastlake Juvenile Courthouse
- 8 Hollywood Courthouse*
- 9 Spring Street Courthouse
- 10 Metropolitan Courthouse
- A Court Archives and Record Center
- B Hall of Records (Court Technology Services, Jury Services)

EAST DISTRICT

- 11 El Monte Courthouse
- 12 Pomona Courthouse
- 13 West Covina Courthouse

NORTH DISTRICT

- 14 Alfred J. McCartney Juvenile Justice Center
- 15 Michael D. Antonovich Antelope Valley Courthouse

NORTH CENTRAL DISTRICT

- 16 Burbank Courthouse
- 17 Glendale Courthouse

NORTH VALLEY DISTRICT

- 18 Chatsworth Courthouse
- 19 Santa Clarita Courthouse
- 20 San Fernando Courthouse
- 21 Sylmar Juvenile Courthouse

*Opening 2019

NORTHEAST DISTRICT

- 22 Alhambra Courthouse
- 23 Pasadena Courthouse

NORTHWEST DISTRICT

- 24 Van Nuys East Courthouse
- 25 Van Nuys West Courthouse

SOUTH DISTRICT

- 26 Catalina Courthouse
- 27 Governor George Deukmejian Courthouse

SOUTH CENTRAL DISTRICT

- 28 Compton Courthouse

SOUTHEAST DISTRICT

- 29 Downey Courthouse
- 30 Bellflower Courthouse
- 31 Norwalk Courthouse
- 32 Los Padrinos Juvenile Courthouse
- 33 Whittier Courthouse

SOUTHWEST DISTRICT

- 34 Inglewood Courthouse
- 35 Inglewood Juvenile Courthouse
- 36 Torrance Courthouse

WEST DISTRICT

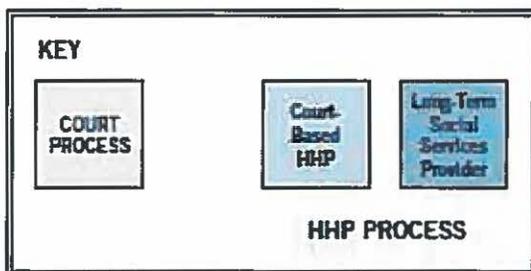
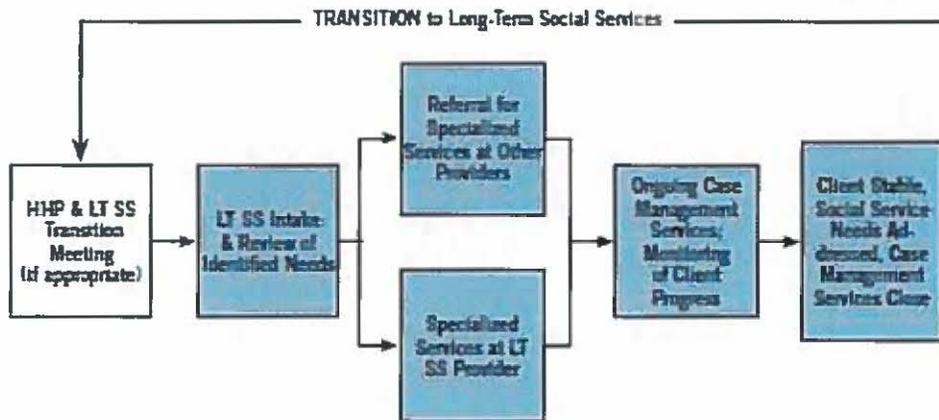
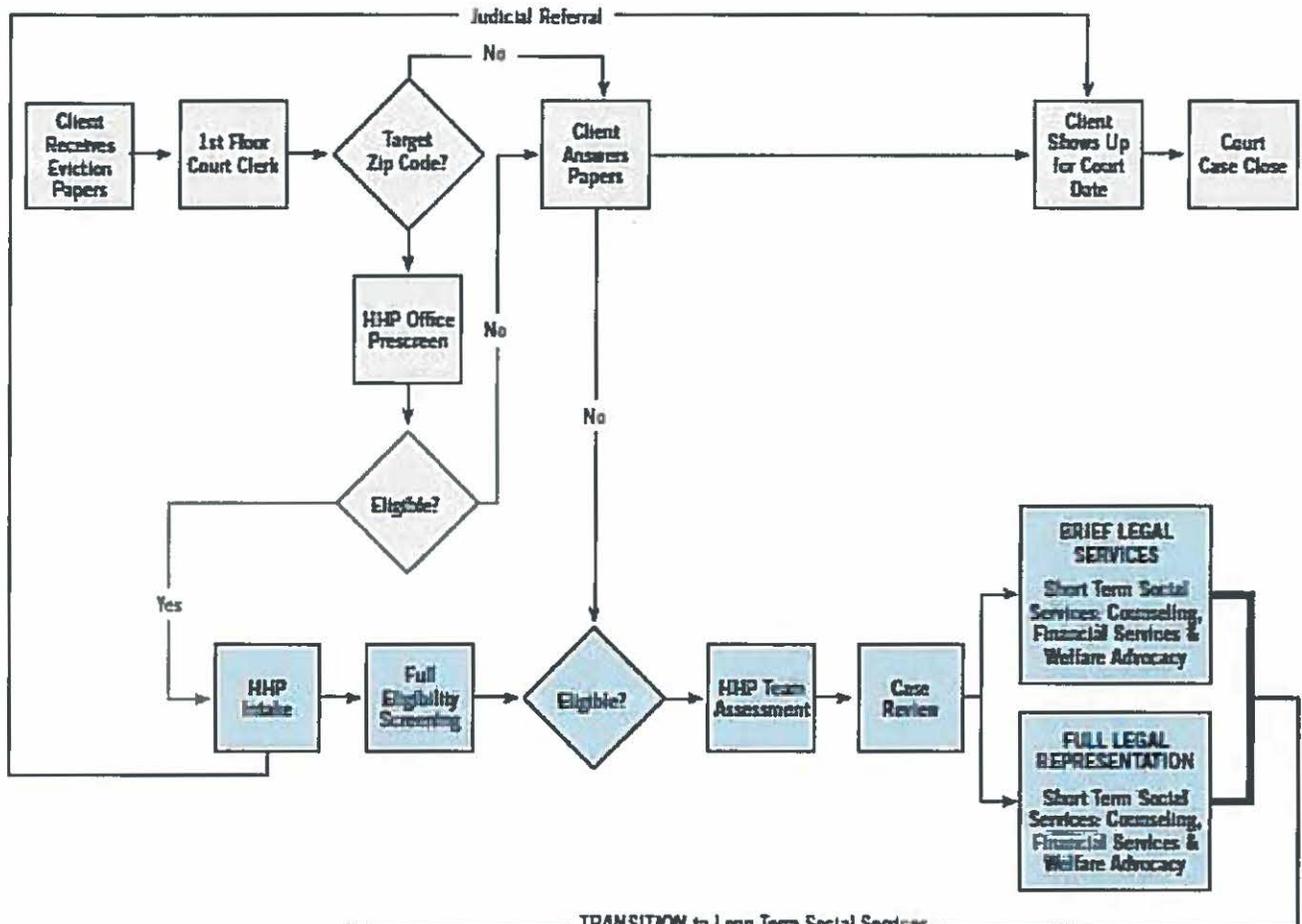
- 37 Airport Courthouse**
- 38 Beverly Hills Courthouse
- 39 Santa Monica Courthouse

**Geographically located in the Southwest District.

ATTACHMENT 4

NEW YORK CITY – HOUSING HELP PROGRAM (HHP) CLIENT FLOW PROCESS

CLIENT FLOW



ATTACHMENT 5

RIGHT TO COUNSEL WORKING GROUP
PROPOSAL

Right to Counsel Working Group
Right to Counsel Initiative: Goals and Framework

In order to pursue Right to Counsel in Los Angeles, the Office of Mayor Eric Garcetti has convened a Right To Counsel working group comprised of the Office of Councilmember Paul Koretz, the Housing and Community Investment Department (HCID), in consultation with landlord and tenant advocates, to establish an agreed upon framework for a Right to Counsel in Los Angeles. HCID provided guidance based on existing programs, extensive research and input from landlord associations. The Renters' Right to Counsel Coalition provided a proposed framework for Right to Counsel in Los Angeles and input. HCID, Councilmember Koretz's office and the Mayor's office have come together to reach consensus on this significant initiative, as reflected below.

I. Background

Los Angeles is facing an unprecedented affordable **housing and homelessness crisis that calls for immediate and comprehensive solutions**. Every day, thousands of low-income families in Los Angeles are displaced from their homes and communities, many through evictions. Many are displaced before the landlord ever files an eviction, even when the action of the landlord may be unlawful. When an eviction is filed, most tenants who do not have access to a lawyer lose, even where they have a legal right to stay. These evictions often result in homelessness. Indeed, 1 in 4 homeless families in Los Angeles report that their homelessness was caused by an eviction.

Right to Counsel is increasingly seen as the solution to displacement by eviction. For a low-income family facing eviction, legal representation often makes the difference between securing stable housing and becoming homeless. Many cities across the country that are facing a displacement crisis, are turning to Right to Counsel including Philadelphia, Newark, San Francisco, Denver, Detroit and New York City. The first city to implement Right to Counsel was New York and the results have been compelling. Data from 2018, the first year of New York City's Right to Counsel, shows that free legal representation for low-income families decreased eviction filings by 14% and 84% of families served were able to stay in their homes, 96% of these families were in subsidized housing. Where low-income families get legal representation, they are substantially more likely to sustain stable housing.

But it's not just evictions that displace low-income families who have the right to stay. Many more low-income families are displaced before an eviction is ever filed. These families often leave because they are unaware of their rights or unable to access resources to help assert those rights. A comprehensive Right to Counsel would include interventions before an eviction is filed to stabilize their housing so an eviction is never filed.

Right to Counsel should be a true right, codified through an ordinance, rather than a program. This is what is being done in cities like New York, San Francisco, Detroit, Philadelphia and others. Given the depth of the affordable housing crisis and the consequences from unjust evictions, it makes sense.

Rights are permanent, to address well-documented basic human needs while programs tend to be temporary, prone to fluctuate with political will and funding. The need to access legal representation in eviction is well-documented and long-standing. Data shows that it has always been true that tenants facing eviction who do not have legal representation almost always lose, even when they have a legal right to stay in their home. It is access to legal representation that gives value to the laws intended to protect tenants.

Moreover, the consequences of losing one's home to eviction has and will continue to have dire consequences for decades to come. A recent study in the County of Los Angeles documented that there are over 500,000 households earning at or below 80% of Area Median Income who lack housing they can afford. It will take

hundreds of billions of dollars and decades to increase the affordable housing supply sufficiently to address their needs. In the meantime, these households are at risk of displacement, eviction and homelessness. For low-income housing, this is a permanent crisis. Given its permanence and the dire consequences of not having legal representation, the Right to Counsel should be a right that is permanent.

II. Goals

The goals of the Los Angeles Right to Counsel are to:

- Prevent and reduce homelessness;
- Affirmatively further fair housing;
- Create a more level playing field between tenants and landlords;
- Reduce eviction filings and default judgments;
- Preserve housing that is affordable to tenants;
- Reduce displacement and stabilize communities;
- Conserve public and private resources through cost-saving interventions and by leveraging existing programs and systems; and
- Educate tenants and landlords on their rights and responsibilities.

III. Eligible Tenants

Legal representation will be free for individuals at or below 80% Area Median Income (AMI). Only legal representation for individuals at or below 80% AMI will be subsidized. All others in need of representation will be referred to agencies and providers who would provide fee-for-service legal representation with a sliding-scale.

In order to focus resources for providing services, eligibility screening should be minimal and straightforward so it is easy for tenants to understand and providers to implement. Straightforward eligibility criteria allows Right to Counsel to focus resources on providing services rather than on screening for eligibility. It also makes it easier for tenants to understand who is and who is not eligible. We know from past programs that when eligibility is complex, eligible people don't know to apply.

Therefore, eligibility for free legal representation will only be based on income and HCID will identify quality referrals for fee-for-service-eligible tenants. To further the goal of making services easy to access, Right to Counsel seeks to minimize the number of people to talk with and places to go before getting services. Therefore, the goal is that the tenant would only have to talk with one person/agency before being connected to the person/agency that will provide direct services.

Do not prioritize tenants by subpopulations. With limited resources, there is often a suggestion that those who are at the greatest risk or are the most in need be prioritized. That does not make sense for Right to Counsel. First, to be a true *right*, it needs to be available to all eligible tenants within the applicable zip code. Second, in this instance, prioritizing some subpopulations would lead to unintended negative consequences. Specifically, if only certain subpopulations were provided with free legal representation in evictions, it would have the unintended but predictable consequence of fewer landlords wanting to rent to these subpopulations. Given a choice of a tenant who is going to have an attorney and a tenant who will not have an attorney, it is rational for the landlord to choose the tenant without the attorney. Rather than helping these subpopulations, the prioritization would put them at a disadvantage.

IV. Overview of the Proposed Program

The Right to Counsel will be implemented through:

- education and outreach;
- eviction prevention interventions;
- full representation for eligible tenants in eviction proceedings;
- rental assistance;
- ongoing support for tenants; and
- evaluation.

This comprehensive framework will include contracted services provided by nonprofit legal service organizations, community-based organizations and Family Source Centers. Specific geographies within the City shall be phased in based on funding availability, until the entire City is included. Each phased-in geography will be saturated with eviction prevention and legal representation for all tenants residing in that geography, including free prevention services and representation for those at 80% area median income or below.

A. Education and Outreach

All tenants and all landlords should know their housing rights and responsibilities. As such, a Know Your Rights public education campaign will be established, and will include targeted outreach. The campaign should build/leverage/expand the existing RSO Awareness campaign, "Home for Renters," which was designed in collaboration with the Mayor's Innovations team to prevent displacement. This would include incorporating existing campaign branding and adding to written materials, brochures, banners, and posters at L.A. City sites (HCID, FSC, libraries, recreation centers and parks, senior centers, Council offices) and other facilities frequented by tenants. In addition, Right To Counsel and eviction prevention curriculum should be added as a component to existing landlord-tenant workshops.

Beyond leveraging existing efforts, RTC-specific materials should be designed and used across social media platforms and digital advertising to reach tenants in high-risk geographic areas. The materials should be translated into the top 10 most spoken languages in Los Angeles. Online videos/PSAs broadcasted on YouTube, Channel 35, Spectrum 1, other outlets (including radio) and social media can support the dissemination of easy to understand campaign messages. As resources are made available, advertisements in bus shelters, subway stations, radio, community newspapers, TV, and strategically placed "cross street" banners should be implemented. In addition, as in REAP contracts, agencies should be contracted and trained to outreach to buildings identified as at-risk and educate new landlords on their responsibilities.

Community based organizations will also do Know Your Rights trainings at a variety of community spaces, as well as targeted education and outreach to high risk buildings.

Landlords will educate tenants by providing information at the inception of a tenancy, by posting information in rentals, and by serving information with any termination notice.

B. Eviction Prevention Interventions

The Right to Counsel is intended to provide the right intervention at the right time to stabilize the landlord/tenant relationship so that it doesn't escalate towards eviction. In general, the earlier the intervention, the less costly and more effective the intervention is. Right to Counsel eviction prevention interventions will help affirmatively further fair housing for protected and vulnerable individuals. Prevention interventions include providing tenant-centered assistance that includes continuity and coordination of services.

Tenants who contact the City, a legal services provider, a community-based organization, an FSC, or any other participating program will be directed to a clinic, or directly to a legal service provider, based upon whether they are already in eviction or not. If the tenant's household income is below 80% AMI, they will be directed to a free legal service provider. If they are over that income, they will be given a list of sliding scale legal service providers. (No funds will be used for representation for those above the income threshold.)

The goal of Right to Counsel clinics is to quickly respond to 3-day notices and early eviction threats, rather than waiting until tenants receive an official unlawful detainer. These clinics will be held throughout the community, staffed by legal services lawyers and community-based organization staff. To the extent funding is available for rental assistance, it will be available to qualified households as early as possible to avoid displacement. Tenants will also be assessed for potential rental assistance needs at the clinics.

Specifically, they include regularly-scheduled networks of tenant clinics available in various locations in phased in geographies where tenants get advice and brief legal services including, where appropriate:

- Landlord/tenant mediation;
- Referrals to HCID/L.A. County Health Department/other relevant agencies about bad housing conditions;
- Assistance with RSO or other complaint process;
- Requests for reasonable accommodations;
- Negotiation;
- Targeted outreach (targeting based on landlord history of tenant complaints or noncompliance with enforcement);
- Rental assistance, based on eligibility and availability;
- Other activities that would help stabilize housing and/or rehabilitate the landlord/tenant relationship; and
- Referrals for other legal needs outside housing issues.

Whenever possible, tenants should be able to access prevention/direct legal representation in the same location. Referrals to HCID and other appropriate agencies will be included as part of the process and HCID's investigations will occur concurrently with the contracted prevention/defense process. HCID and contracted providers will work together to identify at-risk buildings to address rapid response needs, including targeted tenant outreach.

For the program to be successful there will need to be ongoing, coordinated and responsible information-sharing between partners.

C. Full Representation

The bulk of the resources will be used for full representation of tenants in eviction proceedings. Tenants are eligible for full representation from when they first receive a termination notice up until one day before trial. Legal Services attorneys will represent these tenants in settlement negotiations through trial, if necessary. Full representation is essential in order for tenants to avoid falling into homelessness. Tenants living in subsidized housing would also have access to full legal representation for administrative hearings.

Representation includes access to full-scope legal representation - free to income-qualified households and as a fee-for-service for people with higher incomes. Only income qualified legal representation will be subsidized; there is no subsidy for legal representation for people above 80% of AMI.

Representation should be provided regardless of immigration status and be accessible to tenants with physical disabilities and tenants who speak a language other than English. The only eligibility requirements would be based on income and living in a phased-in geography within Los Angeles city limits to determine access to free legal representation.

D. Rental Assistance

Rental assistance is defined as funding provided to tenants to cover the whole or part of the cost of rental arrears and regular rental payments for a time-limited period. Rental assistance should be available at all stages of interventions to maintain housing stability. Rental assistance is to be considered for both rent control and non-rent control units. Protections will be added as a condition for landlords receiving rental assistance. Rental assistance prioritization should consist of:

- Tenants who live in affordable housing including long term rent control tenancy; and
- Tenant households that include young children and tenants at high-risk of displacement. High risk means those who need rental assistance prior to receiving a 3-day notice, but have received a “loss of benefits” letter (e.g., proof of benefit, income, or child support reduction), proof of outstanding balance, or rent ledger.

Rental assistance should be available to cover both rental arrears and rent going forward. A small percentage of the allocated rental assistance should be set aside to assist tenants with security deposits and move-in expenses when they have to be relocated due to loss of their unit. Rental assistance needed to prevent or resolve an eviction will be administered by legal services providers. Any longer term rental assistance will be administered by FSCs and accompanied by case management.

E. Ongoing Support for Tenants

To maintain housing stability, tenants must have access to additional support services beyond eviction prevention and legal services. For successful outcomes for tenants and landlords, there needs to be integration between case management services and legal service providers. Right to Counsel also connects people to additional supportive services besides legal assistance (i.e., LAHSA, County services, etc.) and support navigating people to other housing resources when their current housing is no longer sufficient.

Tenants will be referred to FSCs for any case management needs. This will include follow-up with tenants to offer long-term connections and evaluate outcomes. This can also include:

- Case management;
- Longer term rental assistance; and
- Access to FSC educational and job readiness programs.

F. Evaluation

A comprehensive initiative will include mechanisms to monitor and continuously improve. The purpose of data collection and evaluation is to (1) provide insight into the issue in order to inform policy implementation - for example, where formal and informal evictions are most frequently occurring and how different demographic populations and neighborhoods are impacted differently; and (2) assess outcomes of each intervention and identify best practices (e.g., clinics, reasonable accommodations).

Program evaluation will include:

- Number and demographics of people served;
- Eviction prevention outcomes, by intervention;
- Spatial distribution of evictions filed and households served;
- Client feedback survey;
- “Secret shopper” assessment; and
- Interviews with direct service providers.

While most data collection will be collected through an intake process, data collection is not meant to determine clients' eligibility and tenants seeking services should be able to opt out of providing demographic data and still be able to access services.

A Right to Counsel data entry system should involve the County and build off any existing systems. Program evaluation contractors should be identified through RFP. An advisory committee will be established to review program evaluation reports and make implementation recommendations based off the analyses.

V. Proposed Geographic Phase In

Until there is sufficient funding for a robust citywide Right to Counsel, Right to Counsel will be phased-in by geography. The Right to Counsel phase-in will occur first in zip code(s) with the greatest need for the services. As more resources become available, additional zip codes will be added until Right to Counsel is available throughout the City.

During the phase-in, the entire scope of Right to Counsel interventions and strategies will be implemented in these zip codes. This is to ensure that Right to Counsel is able to have its intended impact. The Right to Counsel interventions are complementary - for example, the promise of attorneys at eviction creates pressure to resolve landlord/tenant disputes before it results in an eviction and is designed to provide the right intervention at the right time to ensure housing stability. Were only some of the interventions implemented, there would be tenants who would not be able to get the help they need when they first need it. Moreover, if not fully implemented in the phase in zip codes, the phase in would not function as a true test of the model.

Based on the initial funding level of \$3 million to \$5 million, the initial phase in should begin in one or two zip code. The criteria to determine which zip codes to start with would be based on three indexes: (1) Tenant Vulnerability Index; (2) Housing Condition Index; and (3) Displacement Pressure Index. These indices include several factors, listed below, that determine which zip codes score the highest:

- Economic Conditions (median income, poverty rate, number of black tenants, etc.);
- Housing Conditions (number of rental units, number of Rent Stabilization Ordinance (RSO) units, rent burden, RSO violations, etc.);
- Development Trends (Transit-Oriented Community (TOC) areas, Opportunity Zones, building permit/entitlement data, Ellis Act evictions, etc.);
- Displacement trends (RSO eviction complaints, Cash for Keys data, change in percent of White buyers, change income of home buyers, etc.); and
- Qualitative data from legal service providers and community organizations regarding need and capacity

The zip codes scoring the highest based on the three indexes will determine the selection of the first phase-in to be provided comprehensive Right to Counsel services. Subsequent phase-in selections will be based on the next highest scoring zip codes, community input and available funding.

VI. Proposed Budget Description Principles

A robust Right to Counsel must prioritize providing lawyers to tenants. It is essential that funding is sufficient to provide full representation to tenants who are in the unlawful detainer legal process. It is anticipated that this priority may change in time, as the Right to Counsel results in fewer evictions filed.

VII. Ordinance

A Right to Counsel *ordinance* is essential to codifying a right to legal representation. This is what has been done in New York City and Detroit and what is being pursued in San Francisco, Philadelphia and other cities adopting a Right to Counsel. An ordinance helps to ensure that the Right to Counsel survives the ups and downs of politics. An ordinance helps to define the scope and focus of the Right to Counsel to ensure continuity over time.

The proposed framework should include a draft ordinance which establishes the civil right to legal representation and would be comprised of the best examples from ordinances across the country. The right would extend to all tenants living within a phased in geography within the Los Angeles city limits.

Legal representation will include answering unlawful detainer complaints, motions, discovery and related full-scope eviction legal representation and representation at housing authority administrative hearings related to Housing Choice Vouchers or public housing. In addition to legal representation, a Right to Counsel ordinance shall include a requirement that:

- Upon tenants' move-in, landlords will provide tenants with "Know Your Rights" Materials;
- Landlords will post tenant rights onsite at building;
- Any termination or other notices be accompanied with "Know Your Rights" materials. Failure to do so would be a defense to an eviction; and
- In the event of the filing of an unlawful detainer with the court or issuance of termination notices to tenants the landlord also must notify the Housing and Community Investment Department (HCID) within 5 days of service and provide a copy of the notice and/or summons and complaint. Failure to do so would be a defense to an eviction.

ATTACHMENT 6

FEDERAL FISCAL YEAR 2018 AREA MEDIAN INCOME (LOS ANGELES, LONG BEACH, AND GLENDALE)

FY 2018 Income Limit Area	Median Family Income Explanation	FY 2018 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Los Angeles-Long Beach-Glendale, CA HUD Metro FMR Area	\$69,300	Very Low (50%) Income Limits (\$) Explanation	33,950	38,800	43,650	48,450	52,350	56,250	60,100	64,000
		Extremely Low Income Limits (\$) Explanation	20,350	23,250	26,150	29,050	31,400	33,740	38,060	42,380
		Low (80%) Income Limits (\$) Explanation	54,250	62,000	69,750	77,500	83,700	89,900	96,100	102,300