

MOTION BY SUPERVISORS SHEILA KUEHL AND
MARK RIDLEY-THOMAS

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Implementing Eviction Defense and Prevention Services in Los Angeles County

Research demonstrates that evictions and disruptive displacements have significant and well-documented short and long-term societal costs. They can be a destabilizing force for families, neighborhoods, schools, and businesses. Evicted tenants often leave with damaged credit scores, impacting their ability to rent again or access quality financial products and loans. Data has shown that evictions are not only caused by economic hardships but are themselves a root cause of poverty and homelessness. Additionally, evictions occur across communities at unequal rates, disproportionately affecting people of color, women and children and low-income households. One analysis found that people of color make up nearly 80% of evictions, a result validated across numerous studies.

On May 21, 2019, the Los Angeles County Board of Supervisors (Board) directed the Chief Executive Officer (CEO) and the Department of Consumer and Business Affairs (DCBA) to collaborate 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

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RIDLEY-THOMAS	_____
KUEHL	_____
BARGER	_____
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Court; the City of Los Angeles; the Los Angeles Homeless Services Authority; and nonprofit legal service providers serving low-income tenants in unlawful detainer proceedings to analyze and propose a program to provide legal representation to tenants in Los Angeles County who are facing an eviction. The motion directed the departments to consider many factors including:

- Unlawful detainer filings, including demographics of residents who are more likely to face evictions.
- An analysis of existing universal representation and related strategies in other jurisdictions.
- An analysis and recommendations on how tenant eligibility should be limited by income and/or geography.
- Recommendations on the various services that could be included under a universal representation program.
- Identification of local partnerships.

On August 26, 2019, the above agencies filed the Expanding Eviction Defense Services in Los Angeles County report (DCBA/CEO Report) which recommends the development of a phased-in legal representation program for tenants in Los Angeles County facing eviction. The DCBA/CEO Report included recommendations for key programmatic components and eligibility requirements to be included in the initial phase of the program.

The proposed program would be comprised of six components, including but not limited to: full-scope legal representation, eviction assistance centers in courthouses where unlawful detainers are being filed and legal aid services are provided, related

services which can be collocated at eviction assistance centers in courthouses, outreach, short-term rental assistance, and case management following eviction proceedings.

Recommendations regarding eligibility requirements focus on both income and geographic considerations. The income eligibility requirements suggest that the program should serve households with verified income at or below 80% Area Median Income (AMI) who are defendants in an unlawful detainer action. These households should 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 (Shriver) in the Stanley Mosk Courthouse. Additionally, the DCBA/CEO Report advises that the initial phase should be geographically targeted. The CEO and the Director of the DCBA, in collaboration with the Board offices, should identify a zip code or cluster of zip codes within each Supervisorial District containing a significant number of renter households and a large percentage of rent-burdened households, potentially including a concentration of CalFresh recipients, where a high rate of individuals and families are falling into homelessness.

For Fiscal Year 2019-2020, the DCBA/CEO Report recommends allocating startup funds from available Measure H sales tax revenues for an anticipated program launch in the third quarter. The report also identifies potential funding sources that can be considered to develop sustainable, braided funding for Fiscal Year 2020-21 and beyond.

The Public Defender and Alternate Public Defender have expressed interest in simultaneously building in-house capacity, including potential civil legal services, to

provide their indigent justice-involved clients and their clients' families with housing-related and other wraparound services. With additional staff, both Departments may create small units to assist this population with housing instability and eviction defense needs. By providing their clients with civil legal services for landlord-tenant issues, the Public Defender and Alternate Public Defender would complement the efforts of nonprofit legal services providers representing tenants through a County eviction defense program and other available programs, like Shriver. Additionally, in certain cases where civil landlord-tenant matters may impact the client's criminal proceedings, only the Public Defender and Alternate Public Defender can appropriately represent and advise the client on both the civil and criminal legal issues. In-house capacity to provide civil legal services in the landlord-tenant context would help the Public Defender and Alternate Public Defender protect the interests of their clients.

The County cannot afford to ignore disparities and inequalities which exist in our own unlawful detainer courts. Amid a housing crisis, the Board has implemented numerous strategies to reduce the inflow of our residents into homelessness. Creating an Eviction Defense and Prevention Program will be an additional tool to reduce housing instability, displacement, and homelessness in specific County neighborhoods and communities.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the Director of DCBA, in collaboration with the CEO and in consultation with County Counsel, the Public Defender, the Alternate Public Defender, the Los Angeles Superior Court, and other relevant departments and agencies, to establish the first phase of an Eviction Defense and Prevention Program

- (Program), as recommended in the DCBA/CEO Report, including full-scope legal representation for eligible tenants, eviction assistance centers in courthouses where services are provided, including collocated services, short-term rental assistance, and outreach; and authorize the Director of DCBA to modify or add to the program components and eligibility requirements as needed to launch the program efficiently and effectively.
2. Authorize the CEO and the Director of DCBA to enter into contracts as needed to implement the Program, including but not limited to contracts for legal services, outreach, pre-eviction interventions like workshops and know-your-rights events, and program monitoring, as well as any necessary agreements with the Los Angeles Superior Court, the City of Los Angeles, and other agencies and cities related to the program.
 3. Direct the CEO to fund the FY 2019-2020 start-up and operations of a phased-in Program with \$2,000,000 in Measure H funds and instruct DCBA to work with CEO's Classification and Compensation unit to determine the proper level of staff needed by DCBA to launch, implement, and monitor the program appropriately and include positions in DCBA's FY 2020-21 Recommended Budget.
 4. Direct the CEO to report back in the Fiscal Year 2020-2021 Recommended Budget identifying \$12,500,000 annually to operate the Program going forward and take all actions necessary to allocate ongoing funding to fully implement the Program.
 5. Direct the CEO and the Director of the DCBA to consult with each Board

- office to identify a zip code or cluster of zip codes within each supervisorial district to determine geographic eligibility for the initial-phase of the Program.
6. Direct the CEO and DCBA to work with the Center for Strategic Partnerships to explore opportunities to partner with private funders to support this work.
 7. Direct the CEO and the Director of the DCBA to report-back on an evaluation framework and plan for implementation within 90 days.
 8. Direct the CEO to consult with the Public Defender, Alternate Public Defender, Director of DCBA, and County Counsel, and report back in writing within 90 days on a proposal to create in-house capacity within the Public Defender and Alternate Public Defender to provide clients with wraparound services, including legal representation in the landlord-tenant context.
 9. Direct the CEO and the Director of the DCBA to report back in writing within 90 days on initial Program implementation, and thereafter to provide a biannual report on the Program for the first two years following implementation, and an annual report thereafter.