

MOTION BY SUPERVISORS SHEILA KUEHL AND
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May 21, 2019

Expanding Eviction Defense Services in Los Angeles County

Legal representation for low income tenants threatened with eviction is a critical component of securing justice in housing, and a necessary pillar in the Board of Supervisors’ historic efforts to combat homelessness and displacement in the County of Los Angeles (County). This motion directs the Chief Executive Officer (CEO) and the Director of the Department of Consumer and Business Affairs (DCBA) to study and report back on a program to provide legal representation for low-income tenants who are facing eviction.

We have learned many lessons since the launch of the Homeless Initiative in August of 2015. Among those lessons is the fact that, while more than a quarter of people experiencing homelessness in the County have some form of mental illness, this fact, alone, does not explain why the greatest number of people in the County find themselves without housing. Economics, the rising cost of housing and financial uncertainty play a much larger role than previously believed. Current research is showing that over half of County residents are liquid asset poor and living paycheck to

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paycheck. These residents can easily find themselves unable to pay rent, evicted and without a home.

On September 11, 2018, the Board of Supervisors voted to implement an interim rent stabilization ordinance for unincorporated areas to prevent rent increases over three percent per year and help tenants stay housed. On April 9, 2019, the Board of Supervisors voted to extend the interim rent stabilization ordinance through December 31, 2019, and adopted rules expanding just cause eviction protections to all rental units in unincorporated areas. In addition, on May 14, 2019, the Board of Supervisors officially took a position to support two State Bills; AB 1481 (Bonta), which would help curb unjust evictions by prohibiting landlords from evicting tenants without just cause, and AB 1482 (Chiu) which would prohibit residential property owners from raising a rental rate in an amount more than five percent plus a change in the cost of living (CPI) over 12 months.

But rent stabilization and just cause eviction protections have their limits. The State Costa-Hawkins Rental Housing Act prevents cities and counties from applying rent stabilization to housing built after February 1, 1995 (or earlier in some cities based on their local ordinances), and requires vacancy decontrol, incentivizing landlords to push rent- stabilized tenants out of housing in order to allow them to increase the rents.

The costs of evictions to tenants are well- documented. Places with the highest eviction rates can experience community instability on a widespread scale. Evictions not only disrupt school and work schedules, evicted tenants often leave with damaged credit scores, affecting their ability to rent again or access quality financial products and loans. Evictions may also lead to homelessness for some tenants, temporarily or long-term.

Evictions place significant costs on counties and cities as well. Costs include education, juvenile justice, and benefits associated with children experiencing

homelessness; social services for tenants who are unable to maintain employment following an eviction; law enforcement and incarceration costs; and homeless services.¹

In Matthew Desmond's groundbreaking book, *Evicted*, he documents the disparities across the country for those facing eviction. African Americans and Latinos are disproportionately the subject of eviction proceedings. Most appear without lawyers, which startlingly increases their chances of experiencing a disruptive eviction.

Cities and counties throughout the country have taken note of these inequities and the vast harms to tenants and communities stemming from evictions, and have launched innovative programs to level the playing field in court. These programs, often referred to as universal representation for low-income tenants, provide free lawyers for tenants facing eviction. Notably, the City of New York established the Office of Civil Justice in 2014 in part to foster equity between landlords and low-income tenants, and launched a universal representation program in 2017.² The results have been dramatic. In 2018, the legal representation rate for low-income tenants facing eviction in New York City's housing courts rose to 30 percent, a substantial increase from one percent in 2013, and residential evictions subsequently declined by more than 37 percent since 2013.³

Perhaps unsurprisingly, universal representation programs that keep tenants housed can save cities and counties money. The Philadelphia Bar Association commissioned a report in November 2018 which found that an investment of approximately \$3.5 million to provide a lawyer to tenants who could not afford one in the City of Philadelphia could save the city over \$42 million. The report also found that,

¹ <https://psmag.com/economics/giving-tenants-lawyers-for-housing-court>

² http://furmancenter.org/files/UAC_Policy_Brief_12_11-18.pdf

³ <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-Annual-Report-2018.pdf>

when represented by a lawyer, tenants avoid disruptive displacement, such as forcible removal from the premises or vacating the premises without negotiating the terms of departure, in approximately 95 percent of cases.⁴

The County cannot afford to ignore disparities and inequities that exist here in our own unlawful detainer courts. We must work with our network of partners, including cities, nonprofit legal service providers, the philanthropic community, and others, along with the Los Angeles Superior Court, to explore the establishment of a universal representation program that will help address disruptive evictions which lead to homelessness and displacement.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the Chief Executive Officer (CEO) and the Director of the Department of Consumer and Business Affairs (DCBA) to report in writing within 90 days on the following:
 - A. Available data regarding unlawful detainer filings within the County, including but not limited to the number of filings, locations where low-income tenants are more likely to face eviction, the demographics of individuals most affected, and associated trends over time.
 - B. An analysis of existing universal representation programs for low-income tenants and related strategies in other jurisdictions, including but not limited to programs and strategies being implemented by the Cities of New York and Philadelphia, the City and County of San Francisco, and Montgomery County, Maryland, and how those programs and strategies could inform the

4

development of a universal representation program for low-income tenants in the County.

- C. An analysis and recommendations regarding how tenant eligibility under a County universal representation program for low-income tenants should be limited by income and other factors, such as geography.
- D. An analysis and recommendations regarding the design of a County universal representation program for low-income tenants, including but not limited to a discussion of needed wraparound services and other activities, such as pre-eviction or related services, financial education, mediation, landlord assistance, financial and rental assistance, rent relocation benefits, rent stabilization enforcement, code enforcement, criminal expungement and resentencing, homeless prevention services, credit reporting for tenants making rental payments to increase their credit scores, adult protective services, and domestic violence support.
- E. Potential partnerships with County cities, including opportunities to leverage County and City of Los Angeles funding to create a universal representation program serving low-income tenants countywide.
- F. Recommended outreach strategies and partnerships to support the implementation of a universal representation program, including but not limited to partnerships with the State of California (State), County cities, school districts, the Los Angeles Superior Court, faith-based organizations, legal service providers, philanthropy, and law schools and universities.
- G. The level of staff and infrastructure, either in-house or through external partners, needed to support a universal representation program for low-

income tenants, and an analysis of new or additional resources needed to operate the program.

- H. Potential costs and benefits associated with a universal representation program for low-income tenants and available funding sources, including but not limited to an analysis of the availability of Measure H funding, State and federal funding, and consumer civil penalties.
2. Direct the CEO and the Director of DCBA to collaborate with representatives from, County Counsel, the Department of Public Social Services, the Department of Public Health, the Department of Mental Health, Public Defender and Alternate Public Defender, the Los Angeles County Development Authority, the Los Angeles County Superior Court, the City of Los Angeles, the Los Angeles Homeless Services Authority, and nonprofit legal service providers representing low-income tenants in unlawful detainer proceedings to inform the development of the written report identified above.
 3. Authorize the CEO and DCBA to hire consultants and collaborate with philanthropy, as deemed appropriate, to implement these directives with the objective of setting up a Universal Representation Program for low-income tenants by the fall of 2020 in coordination with the County's Supplemental Budget Proceedings, provided any agreements are approved as to form by County Counsel.