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Sustainably Expanding Eviction Defense Services in Los Angeles County

On May 21, 2019, the Los Angeles County Board of Supervisors (Board) directed the Department of Consumer and Business Affairs (DCBA) and the Chief Executive Officer (CEO) to collaborate and propose a program providing legal representation to tenants in Los Angeles County who are facing eviction. DCBA and CEO prepared a report, which recommended that an expanded eviction defense program (EDP) be phased in and initially limited by geography and household income level. In response to the DCBA/CEO report, the Board, on September 10, 2019, allocated \$2 million in FY 2019-20 Measure H dollars and directed DCBA and CEO to report back with a plan to implement and evaluate an initial phase of the County’s EDP.

In early March of 2020 however, due to the economic crisis and budgetary uncertainty brought on by the outbreak of the COVID-19 pandemic, the Board exercised their authority and adopted a local Eviction Moratorium, providing critical emergency protections for residential, mobile home space renters, and commercial tenants. DCBA

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suspended the development and execution of the EDP and instead focused on addressing the immediate service needs of households falling behind in rental payments during the COVID-19 state of emergency.

In September of 2020, with the \$2 million in Measure H funds and an additional \$8.7 million allocation in Net County Cost (NCC) dollars from the Affordable Housing Trust Fund, DCBA worked with Liberty Hill Foundation and the Legal Aid Foundation of Los Angeles (LAFLA) to formally launch Stay Housed LA County, the County's comprehensive eviction defense program that incorporates outreach, education, limited and full-scope legal services, and short-term rental assistance.

The County's early response established the groundwork for ongoing pandemic preparedness and recovery, but it also brought widespread attention to longstanding inequities massively amplified by the pandemic. Even before the pandemic, low-income tenants, many of whom are disproportionately Black, Indigenous, and people of color (BIPOC) faced higher rates of evictions and housing instability. The pandemic intensified these challenges, with low-income and BIPOC households experiencing higher COVID-19 infection and death rates, higher job and wage losses, and continued rent burdens and risks of eviction.

More than two years later, the economic impacts caused by the pandemic continue to be felt by low-income and BIPOC communities. Due to the systemic inequities in our housing system, communities of color and low-income women feel the impacts of eviction the most. According to the ACLU, black women are more than twice as likely to have evictions filed against them as white people. Less than half of Black and Latinx families own their homes compared to 73 percent of white families. Longstanding

systemic income and wealth inequality also put communities of color and women at higher risk of eviction. Many tenants now owe considerable sums in back rent and remain uncertain about their ability to pay rent on time. The latest data illustrates the reality of an uneven economic recovery for some, worsened by some of the highest inflation rates in history. If we are truly to build back with equity, we must provide a level playing field for landlords and tenants to realize upward mobility and advancement for low-income and communities of color.

In addition to helping decrease the spread of the pandemic, there is also evidence demonstrating the role of moratoria in limiting eviction filings. Researchers at the Eviction Lab at Princeton University estimate that the moratoria prevented at least 1.36 million cases from being filed. Filings began rising, in some places nearly reaching pre-pandemic levels, as rental assistance programs started to end. And with the recent lifting of the State's tenant protections, we have yet to see the true impact on tenants at risk of eviction, including selectively self-evicting, who have not yet received their rent relief payment.

One solution for combat housing precarity is by returning to DCBA's August 2019 recommendation to provide tenants with free, full-scope legal representation – adopting a Right to Counsel ordinance – thereby breaking incessant patterns of unequal representation between tenants and landlords. Tenants facing eviction nearly always lack legal representation throughout the eviction process. On average, fewer than 10 percent of tenants are represented by legal counsel versus 90 percent of landlords with representation at eviction hearings. In fact, one analysis of County unsealed eviction cases showed that approximately 97 percent of tenants were unrepresented, while

landlords were only unrepresented in 12 percent of unsealed cases. The challenges that tenants in eviction cases encounter when seeking legal aid are indicative of a large gap between the civil legal needs of low-income people and the resources available to meet those needs. New York City, San Francisco, Newark, Cleveland, and Philadelphia are among some of the cities that have established the civil right to legal representation. Early data from those that have enacted Right to Counsel legislation have shown significant promise. In New York City, eviction orders are declining five times faster in zip codes where the right to an attorney in eviction court has rolled out than in zip codes without a right to an attorney. In San Francisco, eviction filings were down 10 percent after a year that the “No Eviction Without Representation Act” ballot measure went into effect; and among those tenants facing an eviction filing, 67 percent that received full representation successfully remained in their homes.

A Right to Counsel ordinance not only makes a substantial difference in the lives of vulnerable tenants facing eviction but is also a more cost-effective approach. A study of proposed Right to Counsel programs in Los Angeles found that, for every \$1 invested, the program would generate returns of approximately \$4.80 to the County of Los Angeles. The study further estimates that an annual investment in a right to counsel program could result in cost-savings to the County.

A phasing in of Right to Counsel can begin with the County recognizing Stay Housed LA, which began as an emergency response during the pandemic, as a permanent codified program, while sustainable funding is sought to expand it. Since its inception in 2020, Stay Housed LA has already reached nearly 285,000 tenants through direct outreach, providing over 5,500 full-scope legal representation and limited scope

legal assistance (976 and 4,529 respectively) to qualifying low-income tenants facing eviction. These services have proven even more critical during the pandemic, while continuing to demonstrate the need for legal representation throughout the eviction process.

Additionally, the pandemic has helped governments realize the importance of timely eviction data. Many governments, including at the federal level, do not track this information. One analysis found that one in three counties across the country have no available annual eviction figures. Limited access to eviction and court related unlawful detainer data has highlighted an important data gap that needs to be addressed throughout the country and state. Eviction-related data helps provide a sense of how many eviction cases are filed each year, and those neighborhoods impacted, while allowing jurisdictions to effectively design eviction prevention and anti-displacement strategies. This will require state mandates and investments toward creating and sustaining an infrastructure that makes relevant eviction data publicly available. Not only will this data allow governments to avoid facing the same pre-pandemic challenges with a limited understanding of the true impact of evictions on our local communities, it will also help inform other tenant protections efforts such as residential code enforcement and rent stabilization ordinances.

As the pandemic shifts, the County has an opportunity to re-examine how to move from emergency response by building on lessons learned in this crisis and forging a pathway toward long-term transformation in a post-COVID era.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Instruct the Director of Department of Consumer and Business Affairs (DCBA) to

develop a report back to the Board within 90 days including a written implementation plan to make the Expanded Eviction Defense program (“Stay Housed LA”), a permanent DCBA program that meets the growing countywide eviction defense needs by 2027. This report should include, but not be limited to:

- a. Annual Stay Housed LA projected outputs and outcomes, including projected impact of preventing evictions in unincorporated areas with greater housing instability and displacement pressure;
- b. Outcome data and demographics breakdown by Supervisorial District of people served to date through Stay Housed LA;
- c. Recommendations to improve and close any service delivery gaps utilizing the County’s Antiracism, Diversity and Inclusion Initiative (ARDI) equity lens, framework, and tools with particular attention to: technology and internet access for participants to submit required documentation, wait times in receiving assistance, outreach and engagement efforts for legal assistance to unincorporated areas and areas with greater housing instability and displacement pressures, and residents with lower education attainment and who are non-English speakers;
- d. Recommendations on leveraging existing tenant and legal assistance programs such as Rent Habitability, Rent Registry, and Self Help Legal Access Centers to provide seamless services to constituents and proactively refer between programs;
- e. Outlines growth protections for expanding the Stay Housed LA program to meet tenants’ increasing needs, with the plan to achieve a universal

access to counsel for eviction legal services by 2027; and

- f. Develop and include an implementation budget to make the Stay Housed LA program permanent.
2. Instruct the CEO to report back during the FY 2023-24 Recommended Budget phase with funding recommendations, including but not limited to the feasibility of utilizing existing funding sources intended for prevention of residents becoming unhoused and supporting housing stability, to make the Stay Housed LA program permanent;
 3. Instruct the Chief Executive Office- Legislative Affairs and Intergovernmental Relations Branch to:
 - a. Support proposals that provide State and/or Federal funding for the Stay Housed LA Program, such as access to counsel for eviction legal services to address current and projected growth (per Directive 2); and
 - b. Support legislative proposals requiring the court system to share unlawful detainer data between local court systems and agencies that provide eviction prevention and defense services to tenants and individuals at-risk of homelessness.