

E LACAHSA

EMERGING POLICY FRAMEWORK

TENANT AND SMALL LANDLORD PROTECTIONS

DRAFT FOR REVIEW

This is a presentation of LeSar Holdings and Global Policy Leadership Academy (GPLA). This reflects the research of LeSar and GPLA and not the final policy of LACAHSA.

October 10, 2024



AGENDA

- LACAHSA's Legislative Structure for Protections
- LACAHSA's Emerging Protections Policy Framework
- Historical Perspective: Role of Policy in Shaping Communities
- LACAHSA's Regional Landscape
- Public Comment
- Board Discussion







LEGISLATIVE STRUCTURE

TENANT AND SMALL LANDLORD PROTECTIONS

Please also see County Counsel presentation of SB 679, available at: https://file.lacounty.gov/SDSInter/bos/supdocs/181597.pdf

SB 679 OVERVIEW PROTECTIONS ELIGIBLE USES

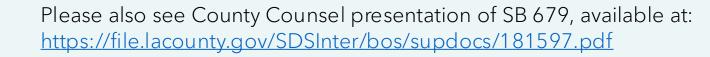
Gov Code Title 6.9 LACAHSA Part 2. <u>Chapter 3 Expenditures 64830(d)(2)(A-C)</u> See Appendix II for more details

Eligible Uses for Countywide renter protections + support programs, include but are not limited to:

- Rental assistance (6 months max) paired with supportive services
- Pre-eviction and eviction legal services
- Counseling, advice and consultation, training, renter education and representation
- Services to improve habitability that protect against displacement of tenants
- Relocation assistance beyond what is legally required of landlords by local/state law

Rental Assistance Funding is subject to the following conditions:

 Rental assistance shall be provided to a specific household for a reasonable amount of time not to exceed six months, and shall be paired with supportive services, such as eviction prevention and defense, to the greatest extent possible.





LACAHSA TOTAL ANNUAL PROGRAMMATIC BUDGET* GEOGRAPHIC DISTRIBUTION

Gov Code Title 6.9 LACAHSA Part 2. <u>Chapter 3 Expenditures</u> 64830.5(a)(2A-2B) See Appendix II for more details

40% affordable housing preservation, production, and homeownership

The preservation, production, and homeownership category of funding can include income assistance for extremely low-income households, and long-term, project based rental assistance.

Also includes a portion of funds to be used for technical assistance grants to cities with a population under 50,000.

30% on countywide renter protection and support programs

The funding for renter protections and support shall be allocated to eligible jurisdictions consistent with the eligible uses of the funding.

15% annual priorities

Also includes a portion of funds to be used for technical assistance grants to cities with a population under 50,000.

5% technical assistance, research, and policy development

10% agencies administrative and operations expenses





EMERGING POLICY FRAMEWORK

TENANT AND SMALL LANDLORD PROTECTIONS

DRAFT VISION FOR PROTECTIONS

(FOR TENANTS AND SMALL LANDLORDS)

- 1. INCREASE RENTER PROTECTIONS FOR ALL LA COUNTY RESIDENTS.
- 2. EXPAND AND
 COORDINATE
 STRONG REGIONAL
 COLLABORATION
 THAT AIMS TO
 ADVANCE TENANT
 PROTECTIONS
 SERVICES SUCH AS
 LEGAL COUNSEL AND
 RENTAL ASSISTANCE.





LACAHSA'S EMERGING PROTECTIONS POLICY FRAMEWORK (AS DISCUSSED AT 5/29/2024 BOARD MEETING)

SHORT-TERM:

Templates for "tenant protection" ordinances.

Provide **technical assistanc**e to cities that may need additional support to develop and implement tenant protections.

Capacity building support for tenant support organizations.

Develop a **regional emergency rental assistance program** based off of the State's ERAP and lessons learned.

LONG-TERM:

- Establish a regional network of uniform tenant protection services such as legal services, emergency rental assistance, and income support.
- Create an income support program for vulnerable LA County residents such as seniors and people with disabilities.



PROTECTING TENANTS AND **LANDLORDS:** IT IS NOT A **ZERO-SUM GAME**

LACAHSA CAN SUPPORT SMALL LANDLORDS WHILE ALSO PURSUING RENTER PROTECTIONS.

Small landlords have genuine needs and feel financial impacts more acutely than large corporate landlords. Rising insurance costs, unpaid rent, deferred maintenance, and legal and property management are examples of challenges facing small landlords.

However, exempting most mom & pop landlords from renter protections rarely carries out any stated public policy goals and does not necessarily address their needs or financial impacts they experience.

WHAT WOULD HELP?

- ➤ Uniformity of renter protections A regulatory landscape that is easier to understand is a benefit for small landlords leads to more efficient systems and fewer parties asserting inaccurate rights.
- > Small landlords need financial and other supports to ensure they are able to safely and sustainably operate their rental properties and businesses to be healthy and safe housing for tenants.



PAST LACAHSA BOARD DISCUSSIONS

SEPTEMBER 2023*

*SEE HIGHLIGHTS OF THESE PRESENTATIONS IN APPENDIX

<u>Presentation on Tenant Protections and the Eviction Crisis Landscape</u>

Deepika Sharma, Clinical Assistant Professor of Law, and Director of Housing Law and Policy, USC Gould School of Law

<u>Presentation on the Stay Housed LA Tenant Assistance Program</u>

LA County Dept. of Consumer and Business Affairs

OCTOBER 2023*

<u>Presentation on Tenant Protections in Bell Gardens</u>

Gustavo Romo, Director of Community Development, and Veronica Jaramillo, Housing Specialist, for the City of Bell Gardens

MAY 2024*

Presentation by LACAHSA's Housing Experts

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HISTORICAL PERSPECTIVE

ROLE OF POLICY IN SHAPING COMMUNITIES

FEDERAL AND STATE ROLES IN HOUSING POLICY

1929 - 1930s

The New Deal

First <u>federally-funded</u>
 public housing

The Great Depression Redlining

1950 - 1960s

Civil Rights Movement

- Fair Housing Act
- Unruh Civil Rights Act

Great Society

HUD created

Article 34 passes

1990s - Present

The Great Recession

- Rental Assistance DemonstrationCOVID-19
- CARES & ARP Acts

AB 686: Affirmatively Furthering Fair Housing

1939 - 1940s GI Bill

Federal Highway Act

Color Key

Federal Policies & National Events

State Policies

1968 - 1980s

Federally subsidized housing

moratorium

Section 8 authorized

Community Reinvestment Act

Low-Income Housing Tax Credit

CEQA

Proposition 13



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SHIFT FROM PUBLIC HOUSING TO PRIVATE MARKET AND COMMODIFICATION

Commodification

 Housing is considered a wealth and investment tool, not a social good or human right





Drivers

- Divestment from public housing
- Real estate speculation
- Privatization







REGIONAL LANDSCAPE

PROTECTIONS (TENANTS AND SMALL LANDLORDS)

DEFINING HOUSING INSTABILITY UNDERSTANDING THE CONTINUUM



Stability

 Pays less than 30% of income on housing



Instability

- Asset Limited
- Income Constrained
- No Lease
- Overcrowded
- Exposed to Unsafe Living Conditions

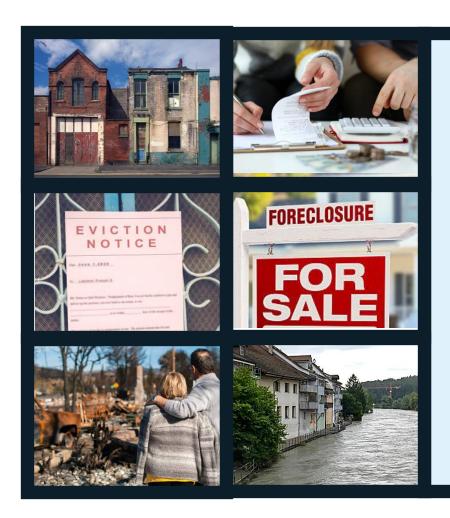
Unhoused

 Living on street, in emergency shelter, or in vehicle





HOUSING INSTABILITY CURRENT TRENDS



- Tenant harassment
- Landlord/tenant system abuse
- Lack of accountability and enforcement
- Gaps in policy and program effectiveness
- Hidden homelessness
- Eviction
- Drastic rent increases
- Revitalization efforts
- Climate impacts





UNDERSTANDING THE CONTINUUM OF LIVED EXPERIENCE







California ERAP

Philadelphia

Vienna

Shriver Project

TENANT PROTECTIONS STRATEGIES AND CASE STUDIES

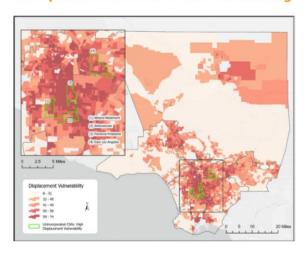
See Appendix III

DATA: LACDA TRACT MAPPING TOOL

TRACKING REGIONAL AFFORDABILITY AND CHALLENGES TO TENANCY

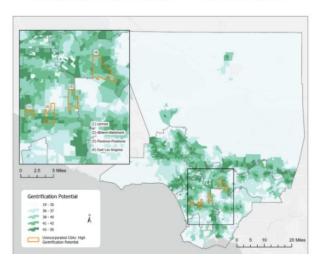


Displacement Vulnerability



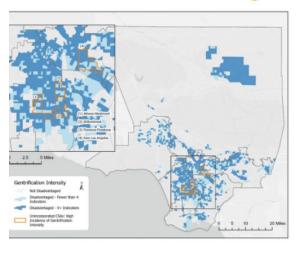
Assesses the likelihood that a resident will be forced to move out of their community due to housing market forces - i.e., residential instability

Gentrification Potential



Shows census tracts and parcels that are attractive for redevelopment, which may heighten displacement pressures in vulnerable communities

Gentrification Intensity

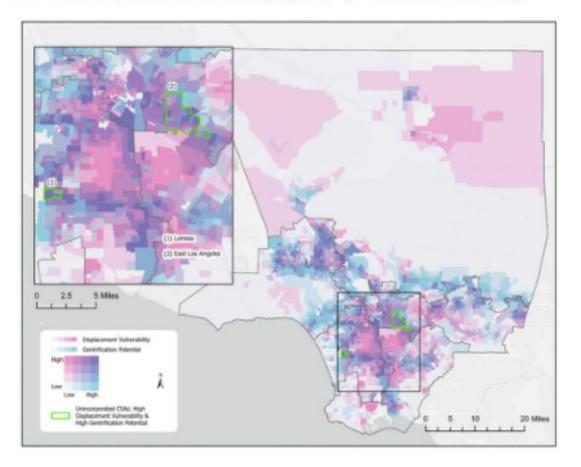


Evaluates existing and ongoing gentrification and displacement in gentrification-eligible census tracts evidenced by demographic and neighborhood change





Displacement Vulnerability+ Gentrification Potential



DATA: LACDA TRACT MAPPING TOOL

TRACKING REGIONAL AFFORDABILITY AND CHALLENGES TO TENANCY

Overlays risk of residential instability (vulnerability) with local market forces that drive speculation (potential)



https://file.lacounty.gov/SDSInter/ceo/agendas/1146471_08.16.2023CommunityServicesClusterMeeting-presentations.pdf
Contact: Andrew Miller, Housing Policy and Programs Analyst, LACDA



DATA AND RESOURCES: TENANT BILL OF RIGHTS







Collaboration between Anti-Eviction Mapping Project, Keep LA Housed Coalition, and Right to Counsel Coalition's Research Committee

- Tenant Bill of Rights (TBOR)
- 9 policies that keep tenants housed, protect against harassment, and provide economic and legal support
- Developed a comparative map that visualizes the extent to which each jurisdiction within the LACAHSA region has enacted TBOR policies into law

KEEP LA HOUSED LA County Tenant Bill of Rights

- 1. Rent stabilization to the maximum extent allowed by state law
- 2. Effective anti-harassment protections
- 3. Limits on evictions for failure to pay rent
- 4. Relocation assistance for tenants displaced for no fault of their own
- 5. Safeguards when landlords attempt to buy out tenants
- 6. Strong, proactive code enforcement
- 7. Removal of discriminatory barriers to housing access
- Codified right to counsel for tenants facing eviction
- 9. Universal just cause protections





DATA AND RESOURCES: TENANT BILL OF RIGHTS

https://antievictionmappingproject.github.io/tbor-policy-map/

Los Angeles Index Score: 7.5/9

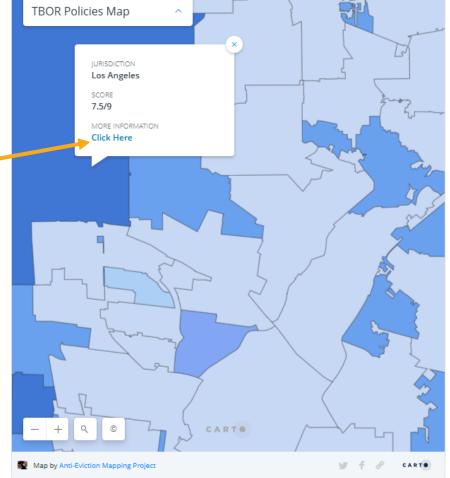
(i) Click the panels below to see how the score was evaluated.

Click the panels below to see now the score was evaluated.		
#	Rent Stabilization	
•	Anti-Harassment Protections	
•	Limits on Evictions Based on Non-Payment of Rent	
⊕	Relocation Assistance for Large Rent Increases	
	Tenant Buyout Safeguards	
(a)	Proactive Code Enforcement	
@	Fair Access and/or Anti-Discrimination Policies	
<u>«</u>	Codified Right to Counsel 0.5	
€	Universal Just Cause Protections	











THANK YOU

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BOARD DISCUSSION

What tenant protection **programs and resources** should LACAHSA prioritize?

How can LACAHSA best collaborate with other jurisdictions to scale eviction legal services across the County?





EMERGING POLICY FRAMEWORK

TENANT AND SMALL LANDLORD PROTECTIONS

APPENDIX I

HIGHLIGHTS OF PREVIOUS LACAHSA PROTECTIONS DISCUSSIONS

PAST LACAHSA BOARD DISCUSSIONS

SEPTEMBER 2023*

*SEE HIGHLIGHTS OF THESE PRESENTATIONS IN APPENDIX

<u>Presentation on Tenant Protections and the Eviction Crisis Landscape</u>

Deepika Sharma, Clinical Assistant Professor of Law, and Director of Housing Law and Policy, USC Gould School of Law

<u>Presentation on the Stay Housed LA Tenant Assistance Program</u>

LA County Dept. of Consumer and Business Affairs

OCTOBER 2023*

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SEPTEMBER 2023

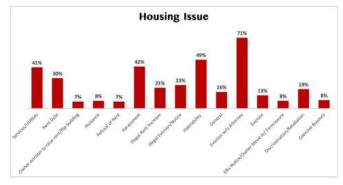
<u>Presentation on Tenant Protections and the Eviction Crisis Landscape</u>

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USC Gould Housing Law & Policy Clinic

- We serve tenants in LA City, Unincorporated LA County and other Cities in LA County including Compton, Lynwood, Downey, Bellflower, Gardena, Arcadia etc.
- 44% of the tenants served were families with children & 41% were monolingual Spanish speakers
- 57% of the tenants we served experienced harassment and/or retaliation
 - Many reported a reduction in services, refusal of rent, and illegal eviction



Policy Proposals

- 1. RENTAL ASSISTANCE FOR FUTURE/PROSPECTIVE RENT
- 2. ANTI-HAR ASSMENT ENFORCEMENT MECHANISMS
- 3. IMPLEMENT AND INCREASE TENANT PROTECTIONS



SEPTEMBER 2023

Presentation on the Stay Housed LA Tenant Assistance Program

LA County Dept. of Consumer and Business Affairs

Jurisdiction			
Azusa*	La Verne*		
Baldwin Park	City of Los Angeles**		
Bell Gardens	County of Los Angeles**		
Beverly Hills	Mallbu*		
Carson*	Maywood		
Cudahy	Palmdale*		
Culver City	Pasadena		
El Monte*	Pomona**		
Gardena*	Santa Monica		
Glendale	Santa Clarita*		
Inglewood	West Covina*		
Lancaster*	West Hollywood		
	-		







Presentation on Tenant Protections in Bell Gardens

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RECOMMENDATIONS IN WAYS LACAHSA MAY ASSIST



Los Angeles County Affordable Housing Solutions Agency

- Assist cities with mobile home compliance.
- ➤ Assist in Providing further legal resources to low-income households.
- ➤ Possible mediation assistance.

 Sometimes all that is needed is mediation between landlords and tenants.
- ➤ Assist in finding resources for homeless prevention programs.



MAY 2024

Presentation by LACAHSA's Housing Experts

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Short Term

- Templates for "tenant protection" ordinances
- Provide technical assistance to cities that may need additional support to develop and implement tenant protections
- Capacity building support for tenant support organizations
- Develop a regional emergency rental assistance program based off of the State's ERAP and lessons learned.

Long Term

- Establish a regional network of uniform tenant protection services such as legal services, emergency rental assistance, and income support.
- Create an income support program for vulnerable LA County residents such as seniors and people with disabilities.

M LACAHSA





EMERGING POLICY FRAMEWORK

TENANT AND SMALL LANDLORD PROTECTIONS

APPENDIX II LEGISLATIVE STRUCTURE



LEGISLATIVE STRUCTURE

TENANT AND SMALL LANDLORD PROTECTIONS

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COORDINATING + SCALING PROTECTIONS

Purpose:

To increase the supply of affordable housing in Los Angeles County by providing for **significantly enhanced funding and technical assistance at a regional level for renter protections**, affordable housing preservation, and new affordable housing production.



COORDINATING + SCALING PROTECTIONS

Key Agency Actions:

- **Supplement resources** and technical assistance at a regional scale
- Provide staff support to local jurisdictions to expedite the preservation of housing
- Fund renter programs and services, such as emergency rental assistance and access to counsel

Funding Allocations:

- Minimum 30% of agency revenue generated must be spent on countywide renter protection + support programs
- Minimum **40%** must be spent on affordable housing creation, preservation, and ownership
- Minimum 5% must be spent on technical assistance, research, and policy development



LACAHSA TOTAL ANNUAL PROGRAMMATIC BUDGET*

40% affordable housing preservation, production, and homeownership

30% on countywide renter protection and support programs

15% annual priorities

5% technical assistance, research, and policy development

10% agencies administrative and operations expenses



SB 679 OVERVIEW PROTECTIONS ELIGIBLE USES

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SB 679 OVERVIEW PROTECTIONS ELIGIBLE POPULATIONS

These programs include any effort that helps renters of lower income households, as defined in <u>Section</u> 50079.5 of the <u>Health and Safety Code</u>

"Lower income households" means persons and families whose income pursuant to Section 8 of the United States Housing Act of 1937.

- •"Lower income households" includes very low income households, as defined in Section 50105, and extremely low income households, as defined in Section 50106.
- •As used in this section, "area median income" means the median family income of a geographic area of the state.





LACAHSA TOTAL ANNUAL PROGRAMMATIC BUDGET* GEOGRAPHIC DISTRIBUTION

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15% annual priorities

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5% technical assistance, research, and policy development

10% agencies administrative and operations expenses



SB 679 OVERVIEW ELIGIBLE JURISDICTION EXPENDITURES

Title 619 LACAHSA Gov. Code §§ 64830.5(a)

The City of Long Beach, City of Los Angeles, City of Glendale, City of Santa Clarita, and Unincorporated areas of LA County, and the Council of Governments in LA County are considered eligible jurisdictions for LACAHSA funds.

The following factors shall be considered for at-large funding allocations:

- (1) Whether the allocation affirmatively furthers fair housing.
- (2) The allocation's effect on displacement indicators.
- (3) The allocation's effect on rent-burdened populations.
- (4) Whether the allocation serves populations with disabilities.



SB 679 OVERVIEW GOVERNMENT CODE: TITLE 6.9



TITLE 6.9. Los Angeles County Affordable Housing Solutions Agency [64700 - 64832]







EMERGING POLICY FRAMEWORK

TENANT AND SMALL LANDLORD PROTECTIONS

APPENDIX III STRATEGIES + CASE STUDIES

STRATEGIES TO PROTECT TENANTS AND PREVENT RESIDENTIAL DISPLACEMENT



Homeownership

Downpayment Assistance Programs

Property Donations

Homeownership
Education and Financial
Literacy Training

Rental Equity / Dividend Housing Strategies / Rent-to-Own



Anti-Speculation

"Just cause" eviction policies

Anti-rent gouging policies

Increased Public + Nonprofit Owned Housing

Short-Term Rental Regulation



Climate Resiliency

Hazard Mapping

Land Use and Building Practices

Enhance Natural Systems

Affordable Insurance



Community Ownership

Community Land Trusts (CLTs)

Tenant Opportunity to Purchase Act (TOPA)

Community Opportunity to Purchase Act (COPA)

Publicly-owned Land





ANTI-SPECULATION STRATEGIES MITIGATING THE EFFECTS OF CORPORATE OWNERSHIP



Credit: <u>HubSpot</u>

Mitigating the Effects of Corporate Ownership		
Example Strategies	 Imposing tax disclosure requirements for business entities investing in land in order to increase transparency Requiring the disclosure of beneficial ownership of all property-owning investment vehicles Creating a property registry to deepen local understanding of corporate ownership 	
Benefits	 Increases transparency and institutional capacity to pursue cases against landlords with predatory behavior Creates opportunities for community ownership 	
Challenges	 Progressive policymaking and taxation will require political will 	

ANTI-SPECULATION STRATEGIES SHORT-TERM RENTAL REGULATION



Credit: NBC

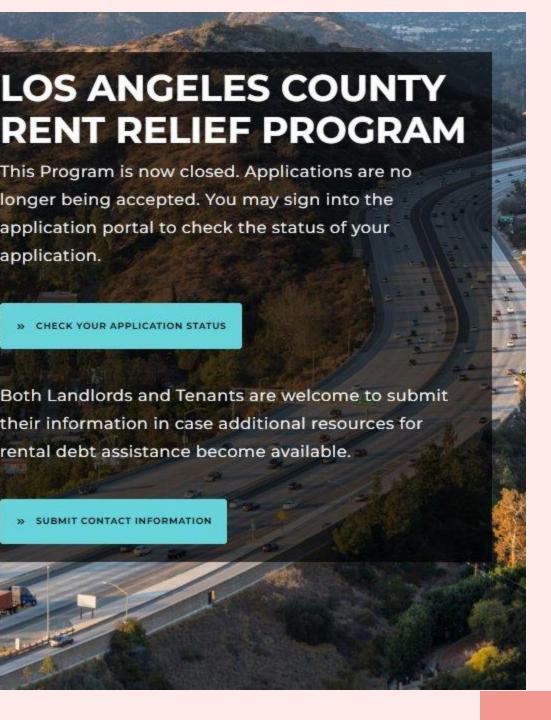
Short-term Rental Regulation Require a license or permit Require payment of rental or business taxes Example Cap the number of licenses in an Strategies area by # of licenser by owner, or % of city's or a community's housing stock Helps prevent the wholesale conversion of homes into rental properties Benefits Increases transparency by requirement permits Potential revenue source for affordable housing Progressive policymaking and Challenges taxation will require political will

FAIR HOUSING STRATEGIES LEGAL SERVICES/RIGHT TO COUNSEL



Source:	New	York	Time
Jour cc.	IVCVV	TOLK	<u> </u>

Legal Services		
Example Strategies	 Discrimination enforcement Landlord/tenant counseling and mediation Tenant legal services Case Management Services 	
Benefits	 Provides access to legal representation, means-tested or guaranteed right Addresses historic power imbalance between landlords and tenants Legal services programs prevent evictions 	
Challenges	 The eviction process can be lengthy, potentially affecting one's ability to afford legal aid through completion Residents may not be aware of their rights, potentially worsening their outcomes in the absence of legal counsel 	



CASE STUDY

Emergency Rental Assistance Program (ERAP) | NOW CLOSED

Covid1- Rent Relief Program | Landlords were reimbursed for 100% of a renter's unpaid rent but had to apply for rental assistance before starting an eviction process.

<u>Data Dashboard</u> (LA County)

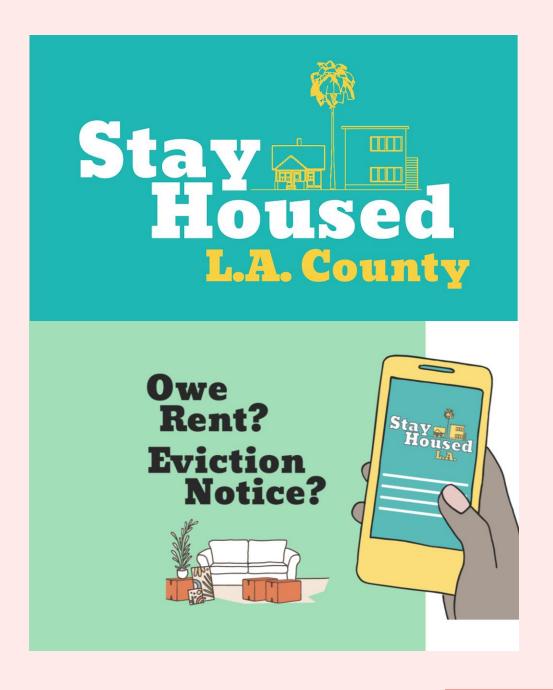
240,196 Household Applications

198,135 Households served

\$2.734 MM total funds paid in LA County

\$12,582 Average Assistance

(as of 10/1/2024)



CASE STUDY

Stay Housed Los Angeles

- <u>Stay Housed LA</u> is a partnership between the City of Los Angeles, Los Angeles County, and local community and legal service providers.
- Legal defense services and tenant education are essential components of the services the program provides to eligible tenants facing eviction.
- Aims to ensure tenants know their rights and resources available to them, particularly when they are dealing with landlords and issues like safety and health violations, illegal evictions, discrimination, and denial of essential services that can lead to displacement.
- Impact: Stay Housed L.A. partners have provided 27,000 tenants with legal services; hosted 1,490 educational events (workshops and clinics); and reached 2,081,000 tenants with Know Your Rights information.
- The program has expanded, but all services are only offered in priority zip codes and are not available throughout LA County. Due to funding limitations.
- See also https://file.lacounty.gov/SDSInter/bos/supdocs/183396.pdf

We should fund teams to support households in affordable and supportive housing who face eviction to help stabilize them, support them, and pay back rent to avoid eviction.

Molly Rysman Chief Program Officer, Los Angeles Homeless Services Authority

ULA and LACASHA create an opportunity to create legal documents that reflect the Vienna model of long-term affordability and resident stability.

Oscar Monge

Associate Director and Board President, T.R.U.S.T. South LA and CA Community Land Trust Network.

We would benefit from the level of tenant protections and contracts that they have. The fact that there's an entity to review contracts to make sure that everything is legal, and that if there is something that they find there are penalties...

Zerita Jones Board Vice Chairperson, Liberty CLT

CASE STUDY

Vienna's Multi-faceted and Multi-Agency Approach

- Tenant protections are offered to most renters in Vienna, and evictions only take place after all municipal defense efforts have been enacted and residents cannot be reached.
- A well-staffed city agency, Wohnservice, enforces tenant protections and serves as a powerful bulwark against maximizing profit from owning market-rate rental housing.
 - Beyond Wohnservice, city staff help place people in affordable housing, foster neighborhood engagement, and provide conflict resolution facilitation between neighbors.
 - The Austrian Chamber of Labor, a federal agency that represents all workers, provides consultations to support workers housing rights.
- <u>Private Sector + Limited Profit</u> tenants receive benefits to prevent tenants from losing their homes.
- Municipal Housing Tenants receive case management support through every step
 to avoid emotional/physical distress for the tenant and savings on eviction costs for
 the city, avoiding 90% of all cases handled.
- Anti-eviction counseling services are provided to all tenants (private or social housing tenants) to de-escalate disputes between tenants and landlords.
- Free legal counseling and representation is provided for low-income households, sustained by a requirement that all lawyers must represent lower-income households in court for eviction cases and other legal matters.
- Short-term subsidies and rent supports are provided to tenants, and tenants are supported to apply for municipal housing if cheaper rent would allow more housing stability.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue San Francisco, CA 94102-3688 Tel. 415-865-4200 Fax 415-865-4205 www.courts.ca.gov

FACT SHEET

September 2023

Sargent Shriver Civil Counsel Program

The Sargent Shriver Civil Counsel Act (Assem. Bill 590 [Feuer];

Stats. 2009, ch. 457) provides that commencing in fiscal year 2011-2012, one or more pilot projects selected by the Judicial Council will be funded to provide legal representation to low-income Californians on critical legal issues affecting basic human needs. The pilot projects are operated by qualified legal services providers working in collaboration with their local superior courts.

Pilot Project Overview

The purpose of the pilot projects is to improve timely and effective access to justice in civil cases and thereby avoid undue risk of erroneous court decisions resulting from the nature and complexity of the law or the disparities between parties in legal representation, education, sophistication, and language proficiency, and access to self-help or alternative dispute resolution services.

Pilot projects are partnerships between lead legal services agencies and local superior courts and offer a variety of legal representation and assistance to lowincome Californians, regardless of their citizenship status, who are at or below 200 percent of the federal poverty level, in one or more of the following areas:

- Housing-related matters;
- Domestic violence and civil harassment restraining orders;
- Elder abuse;
- Guardianship of the person;
- Probate conservatorship; or
- Child custody actions by a parent seeking sole legal or physical custody of a child, particularly where the opposing side is represented.

The purpose of these services is to ensure that unrepresented parties have meaningful legal access, to guard against the involuntary waiver of rights or the disposition of cases by default, and to encourage fair and expeditious voluntary

See report here https://www.courts.ca.gov/documents/AB-590.pdf

CASE STUDY

The Shriver Project

- Established by AB 590 in 2009 as a pilot project.
- Provided legal services through partnerships between legal services nonprofit, court, and other legal service providers.
- Available to individuals at or below 200% federal poverty level.
- Reduced unlawful retainer defaults, increased settlements and decreased trials, protected credit
- Only 3% of households were evicted.
- As of August 2021, total for all projects is over \$12 million per year.
- Program is funded by a special \$25 supplemental filing fee on certain post-judgment motions.