

## Communication from Public

**Name:** Pablo Estupiñan - LA Right to Counsel Coalition

**Date Submitted:** 11/28/2023 12:18 PM

**Council File No:** 18-0610-S3

**Comments for Public Posting:** November 28, 2023 Los Angeles City Council 200 North Spring St. Los Angeles, CA 90012 RE: Los Angeles Housing Department Recommendations for a Right to Counsel Ordinance - SUPPORT (Council File 18-0610-S3) Dear Los Angeles City Council Members: The Los Angeles Renter's Right to Counsel Coalition (LA RTC Coalition) writes in strong support of the recommendations contained in LAHD's October 6th, 2023 Report Back on the Establishment of a Right-to-Counsel Program for Low-Income Tenants Facing Eviction ("RTC Report") and urges all Councilmembers to vote in favor. The benefits of providing a Right to Counsel to tenants are well documented across the Country, and the City has the needed funding to implement such a program due to the work of the many stakeholders and organizations who helped secure the passage of Measure ULA. Measure ULA funding includes a dedicated stream for not only eviction prevention and defense, but also for outreach and education as nearly 40% of tenants receiving an eviction case fail to answer or automatically default. Existing Eviction Defense Program services have produced significant benefits - both for the Los Angeles residents who have received critical services through the Stay Housed LA Program, and for our City as a whole. Jurisdictions that have enacted a Right to Counsel for tenants have experienced improved case outcomes, decreased eviction filings, and considerable cost savings. As eviction filings continue to increase due to the expiration of the City's emergency tenant protections, the time has come for the City of Los Angeles to codify a Right to Counsel for renters facing the loss of their homes. LAHD Recommendations for a Right to Counsel The LA RTC Coalition supports the recommendations outlined in LAHD's RTC Report, including the critical adoption of a Right to Counsel Ordinance, which phases in services over a 5-year period and includes staffing and reporting obligations for the Department. LAHD's recommendations are crafted to advance services to the City's most vulnerable while taking into account existing program capacity and resources. In summary, LAHD recommends the following actions: A. ADOPT the recommended Right to Counsel 5-year phase-in plan through the expansion of the Eviction Defense Program. B. REQUEST the City Attorney to draft a Right to Counsel Ordinance to provide qualifying tenants

legal services for any judicial or administrative eviction proceedings, and require landlords to notify tenants of the Right to Counsel Program. C. INSTRUCT LAHD to administer, implement, and monitor the expanded program, utilizing a five-year timeline prioritizing vulnerable individuals based on zip codes and other criteria. D. Require LAHD to report on services provided, case outcomes, program expenditures and engagement/educational efforts. E. Provide staffing resources to LAHD for program implementation and reporting. As stated in LAHD's Report, approval of these recommendations represents a significant step toward the essential goal of ensuring that vulnerable tenants do not face the loss of their homes without representation and assistance in navigating the court process. Adoption of LAHD's recommendations would establish the existing Eviction Defense Program (also known as Stay Housed LA) as a permanent program, codify services, and ensure that eligible tenants living in the City have a right to access critical legal defense services. As stated by LAHD, eviction defense services have proven a critical resource for vulnerable tenants during the pandemic and an effective tool for homelessness prevention. Benefits of a Right to Counsel for Renters and the City Overall The existing Eviction Defense Program began on July 1, 2021, and has been supported with one-time funding sources with varying requirements and criteria, providing important services to Los Angeles renters while falling short of the overall need for such services. Even with these limitations, the Program has had significant benefits for both renters and the community as a whole. From its inception through June of this year, the Eviction Defense Program has provided legal services to 7,883 households, consisting of 1,967 full-scope legal representation and 5,916 cases supported with limited-scope representation. Reported outcomes from closed cases indicate that 88% of full-scope representations resulted in positive outcomes for the households through staying in their homes, receiving time and money to move out, or getting a waiver of back rent. As outlined by LAHD, "reported economic benefits of the closed full-scope cases indicate that the societal gains of this program over a one-year period range from \$8,120,941 in short-term benefits (court fee waivers, waived back rent, and relocation assistance) to \$4,614,565 in long-term economic benefits (the savings to the tenant over three years due to not moving...)." Jurisdictions that have codified the Right to Counsel for renters



**November 28, 2023**

**Los Angeles City Council  
200 North Spring St.  
Los Angeles, CA 90012**

**RE: Los Angeles Housing Department Recommendations for a Right to Counsel  
Ordinance - SUPPORT (Council File 18-0610-S3)**

Dear Los Angeles City Council Members:

The Los Angeles Renter's Right to Counsel Coalition (LA RTC Coalition) writes in strong support of the recommendations contained in LAHD's October 6<sup>th</sup>, 2023 Report Back on the Establishment of a Right-to-Counsel Program for Low-Income Tenants Facing Eviction ("RTC Report") and urges all Councilmembers to vote in favor. The benefits of providing a Right to Counsel to tenants are well documented across the Country, and the City has the needed funding to implement such a program due to the work of the many stakeholders and organizations who helped secure the passage of Measure ULA. Measure ULA funding includes a dedicated stream for not only eviction prevention and defense, but also for outreach and education as nearly 40% of tenants receiving an eviction case fail to answer or automatically default.

Existing Eviction Defense Program services have produced significant benefits - both for the Los Angeles residents who have received critical services through the Stay Housed LA Program, and for our City as a whole. Jurisdictions that have enacted a Right to Counsel for tenants have experienced improved case outcomes, decreased eviction filings, and considerable cost savings. As eviction filings continue to increase due to the expiration of the City's emergency tenant protections, the time has come for the City of Los Angeles to codify a Right to Counsel for renters facing the loss of their homes.

***LAHD Recommendations for a Right to Counsel***

The LA RTC Coalition supports the recommendations outlined in LAHD's RTC Report, including the critical adoption of a Right to Counsel Ordinance, which phases in services over a 5-year period and includes staffing and reporting obligations for the Department. LAHD's recommendations are crafted to advance services to the City's most vulnerable while taking into account existing program capacity and resources. In summary, LAHD recommends the following actions:

A. ADOPT the recommended Right to Counsel 5-year phase-in plan through the expansion of the Eviction Defense Program.



- B. REQUEST the City Attorney to draft a Right to Counsel Ordinance to provide qualifying tenants legal services for any judicial or administrative eviction proceedings, and require landlords to notify tenants of the Right to Counsel Program.
- C. INSTRUCT LAHD to administer, implement, and monitor the expanded program, utilizing a five-year timeline prioritizing vulnerable individuals based on zip codes and other criteria.
- D. Require LAHD to report on services provided, case outcomes, program expenditures and engagement/educational efforts.
- E. Provide staffing resources to LAHD for program implementation and reporting.

As stated in LAHD's Report, approval of these recommendations represents a significant step toward the essential goal of ensuring that vulnerable tenants do not face the loss of their homes without representation and assistance in navigating the court process. Adoption of LAHD's recommendations would establish the existing Eviction Defense Program (also known as Stay Housed LA) as a permanent program, codify services, and ensure that eligible tenants living in the City have a right to access critical legal defense services. As stated by LAHD, eviction defense services have proven a critical resource for vulnerable tenants during the pandemic and an effective tool for homelessness prevention.

### ***Benefits of a Right to Counsel for Renters and the City Overall***

The existing Eviction Defense Program began on July 1, 2021, and has been supported with one-time funding sources with varying requirements and criteria, providing important services to Los Angeles renters while falling short of the overall need for such services. Even with these limitations, the Program has had significant benefits for both renters and the community as a whole. From its inception through June of this year, the Eviction Defense Program has provided legal services to 7,883 households, consisting of 1,967 full-scope legal representation and 5,916 cases supported with limited-scope representation.

Reported outcomes from closed cases indicate that 88% of full-scope representations resulted in positive outcomes for the households through staying in their homes, receiving time and money to move out, or getting a waiver of back rent. As outlined by LAHD, "reported economic benefits of the closed full-scope cases indicate that the societal gains of this program over a one-year period range from \$8,120,941 in short-term benefits (court fee waivers, waived back rent, and relocation assistance) to \$4,614,565 in long-term economic benefits (the savings to the tenant over three years due to not moving...)."

Jurisdictions that have codified the Right to Counsel for renters facing eviction have experienced significant benefits as well. For example, New York City has reported that 84% of tenants receiving full-scope services under its Right to Counsel have remained in their homes,



while filing and default rates have decreased by 30%. In San Francisco, 59% of fully represented tenants were able to remain in their homes, and 70% of those who were not able to remain received a favorable settlement like move-out money with sufficient time to locate new housing. Beyond benefits to represented tenants, jurisdictions that have codified a Right to Counsel also report considerable cost savings in areas indicating improved community stability, including homelessness resources, healthcare costs, avoided lost revenue due to school absences, and improved economic indicators.

### ***Program Implementation, Need and Capacity***

Our Coalition supports LAHD's recommended phase-in plan for the City's Right to Counsel services, which was developed in collaboration with non-profit legal service providers and takes into account eviction filing data and trends, vulnerability across Los Angeles zip codes, and capacity considerations. As stated in the RTC Report, "the demand for eviction defense services is on the rise due to the urgent needs of low-income tenants, successful outreach efforts, and the expiration of the City's COVID-19 Tenant Protections."

LAHD recommends codifying the Right to Counsel and expanding the EDP to provide full legal representation for tenants at or below 80% of the Area Median Income. LAHD recommends phasing in this expansion over 5 years based on identified high-needs areas of displacement vulnerability. Full legal representation means ongoing legal representation by a non-profit (not private attorneys) legal service provider encompassing legal advice, advocacy, and assistance, including representation for any judicial or administrative proceedings to evict or terminate a tenancy. Such representation would be free of charge for tenants and funded by revenue generated by United to House LA.

### ***Funding Considerations and Available Funding***

Approval of the recommendations outlined by LAHD in the RTC Report would not have an impact on the City's General Fund. LAHD's recommendations would be fully funded by Measure ULA revenue, and legal challenges to Measure ULA have been unsuccessful, indicating that the City has a dedicated long-term source of funding for the codification and expansion of Right to Counsel. Under Measure ULA, 10% of receipts from the measure's transfer tax are dedicated to eviction defense and prevention services, and the City's 2023-24 budget authorizes the expenditure of up to \$150 million for ULA-eligible activities, including the funding of the codification and expansion of Right to Counsel.

**The Right to Counsel for renters facing eviction has wide-ranging benefits for tenants, communities, and the City, would address the extreme need generated by increasing eviction filings and homelessness throughout Los Angeles, and can be fully implemented with existing dedicated funding. We urge all Councilmembers to vote to approve the recommendations contained in the LAHD RTC Report.**



Sincerely,

A handwritten signature in black ink, appearing to read 'Pablo Estupiñan'.

Pablo Estupiñan, Campaign Director Right to Counsel