

Communication from Public

Name: Janet M. Gagnon

Date Submitted: 03/01/2023 08:55 AM

Council File No: 18-0610-S3

Comments for Public Posting: The Apartment Association of Greater Los Angeles (AAGLA) is strongly opposed to this motion. It is severely premature as ULA currently has multiple pending lawsuits against it and, therefore, it is unlikely that ULA funding will be available at any time in the near future or at all. Further, even if ULA is upheld, the ballot measure requires the Mayor and the City Council to create a 15-member Housing LA Citizens Oversight Committee. The Committee is responsible for developing "program guidelines" for all programs under Housing LA to present as recommendations to the City Council for its approval, modification or rejection. The Committee has not yet been created nor have the program guidelines. Thus, any ordinance at this time is unnecessary and would be a waste of City staff time and resources as it would likely need to be re-drafted to incorporate at least some of the Committee's recommendations. Further, the City Council has the authority to reallocate funds under all of the Housing LA programs and, as such, it is not certain that any funding would be provided to this specific activity. Lastly, it is not clear that a Right to Counsel is the better alternative to new direct local subsidies to rental housing owners to pay the rent still owed by renters from March 1, 2020 through March 31, 2023 in order to avoid the eviction process entirely. We urge the Housing and Homelessness Committee to hold this item in committee until the lawsuits have been settled and, if ULA is upheld, the Committee is created and provides its recommendations for such an ordinance. Please see our attached formal comment letter for additional details.



"Great Apartments Start Here!"

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March 1, 2023
Via Electronic Mail

Chair Nithya Raman, and
Members of the Housing and Homelessness Committee
Los Angeles City Hall – John Ferraro Council Chamber
200 North Spring Street
Los Angeles, California 90012

RE: Motion (Raman – Blumenfield – Et al.) relative to the establishment of a Right to Counsel ordinance and program; and related matters (Agenda Item 7)

Dear Chair Raman and the Members of the Los Angeles City Housing & Homelessness Committee:

At today's Committee meeting, the Committee will consider the motion by City Council Members Raman and Blumenfield (as well as Soto-Martinez, Hernandez, Hutt, and Yaroslavsky) regarding the creation of a Right to Counsel ordinance and program.

The justification for the motion points to the existing program in San Francisco that was started in 2018. However, it provides no data from the program supporting the claim that it deters rental property owners from "wrongful evictions" despite the program existing for 5 years. There are no statistics given on how many evictions in San Francisco were actually deemed wrongful, no detailed information on settlements (dollar amounts, time frames for the renter to vacate, defenses offered by defendant's attorney), no details on the basis for renters choosing to stay in their units rather than vacating (an important aspect to know particularly in cases where there is a claim that the eviction proceeding was "wrongful"), no totals on how many hours were worked per attorney per case, no statistics on number of renters assisted in total, and there is no information on renter incomes and occupation, renters' age and other demographics. There is also no data on total costs of the program per year, total number of attorney hours worked, and amounts paid to attorneys per hour. So, there is no actual facts to base your decision today on whether a "similar" program in Los Angeles would work, how it would help, or how much it would cost the City in taxpayer dollars.

As to specific costs, the motion points to a 2019 study that is of questionable validity since it has no peer review or other comparable studies to support its findings. The study merely postulates that IF Los Angeles were to implement right to counsel, that costs for emergency shelters and homelessness services would go down. However, the Los Angeles Homeless Services Authority has done no recent, detailed study based on its annual homeless count to determine why individuals became homeless in Los Angeles – whether due to job loss, mental illness, addiction, trauma,

abuse, or a combination of facts or other causes. In fact, research has shown that chronic homelessness is a very different issue than temporary homelessness and is not only tracked differently, it requires different resources to properly address.

Moreover, there has been no study comparing alternative means, such as local direct rental subsidies to determine whether this approach would achieve similar or better results in savings for the City and maintaining a positive relationship between renters and rental housing providers. Such **local direct rental subsidies** would address the root cause of the vast majority of evictions – **failure to pay rent** – and would **avoid the eviction process entirely** for both the renter and rental housing provider.

Today’s motion points to the passage of Measure ULA and one of its programs as justification for drafting a Right to Counsel ordinance. However, it fails to fully respect the parameters contained in the ballot measure, specifically under Sec 22.618.6, “Citizens Oversight Committee.” In this section, the Mayor and City Council are required to create a Housing LA Oversight Committee composed of 15 members, which new Committee is charged with reviewing all of the programs being funded by Measure ULA and prepare “program guidelines” for the City Council to approve, amend, or reject. In addition, under Sec 22.618.5, “Reallocation of Funds,” the City Council is also empowered to reallocate funds between program categories. At this point, the City Council has not yet formed or appointed members of this new Committee, much less received recommended program guidelines from it for all of the programs to be funded under Measure ULA and how funds should be allocated. It is drastically premature for this Committee to suggest that the City Council draft the proposed Right to Counsel Ordinance until such Committee has been formed and can offer its recommendations for the ordinance for the City Council’s consideration.

Additionally, there are pending lawsuits against the City challenging the validity of Measure ULA as a whole, so it is highly questionable whether Measure ULA funds will be available any time soon or even how much funding may be reasonably anticipated for Measure ULA programs at this time.

This motion appears to be a rush into an action that has yet to be substantiated and that is clearly not the best course of conduct necessary or even possible based on available funding in Los Angeles. An ordinance should not be drafted until proper studies are done, and more facts are known about San Francisco’s program, available data on Los Angeles is studied to assess impacts of such a program, and a comparison of this approach to other approaches that may be more effective, less costly and with equal or greater outcomes (such as avoiding the eviction process entirely) is made.

In fact, today there is another local direct subsidy program under consideration (Agenda Item 11) as a motion by City Council Members Rodriguez and Blumenfield (as well as Park and McOsker) and seconded by Lee for the creation of a Small Housing Provider Assistance Program. By addressing the specific issue of non-payment of rent, this program will successfully avoid evictions by paying the rent that is owed. It would be a much wiser and effective to spend of taxpayer dollars to simply expand this fund to include **all** rental housing providers that have renters who live in the City of Los Angeles and have rent that is owed from March 1, 2020 through March 31, 2023. This



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would greatly reduce the number of potential eviction actions by removing the basis of such actions due to non-payment of rent and greatly reduce the cost to the City by eliminating attorneys' fees.

We urge the Housing and Homelessness Committee to put the issue of Right to Counsel on hold until the existing lawsuit has been decided and, if Measure ULA is upheld, until the Mayor and City Council create the required Housing LA Oversight Committee and receive the Committee's recommendations for all of the Housing LA programs according to the ballot measure.

Thank you for your time and consideration of these matters. If you have any questions, please call me at (213) 384-4131; Ext. 309 or contact me via electronic mail at janet@aagla.org.

Sincerely,

Janet M. Gagnon

Janet M. Gagnon, Esq.

CC: Daniel Yukelson, Executive Director, Apartment Association of Greater Los Angeles

Communication from Public

Name: Karla Perez

Date Submitted: 03/01/2023 02:15 PM

Council File No: 18-0610-S3

Comments for Public Posting: I want to thank Councilmembers Raman and Blumenfield for introducing the motion to establish Right to Counsel. As a renter, I want to strongly urge you to support a Right to Counsel ordinance. No one should EVER be evicted without legal representation. Right to Counsel is about reducing homelessness and access to equity and justice in court. An eviction case will never be equitable as long as landlords are almost always represented and less than 10% of tenants receive legal representation. Right to Counsel would create a more level playing field for tenants and landlords in court and ultimately, it is a cost savings initiative because it will reduce and prevent the amount of people that end up homeless. We ask that you move a Right to Counsel Ordinance forward in order to keep as many Angelenos as possible from falling into homelessness. Thank you.

Communication from Public

Name: Heidi

Date Submitted: 03/01/2023 02:16 PM

Council File No: 18-0610-S3

Comments for Public Posting: Hi, my name is a Heidi Gonzalez, I am a tenant and I want to thank Councilmembers Raman and Blumenfield for introducing the motion to establish Right to Counsel. As a renter, I want to strongly urge you to support a Right to Counsel ordinance. No one should EVER be evicted without legal representation. Right to Counsel is about reducing homelessness and access to equity and justice in court. An eviction case will never be equitable as long as landlords are almost always represented and less than 10% of tenants receive legal representation. Right to Counsel would create a more level playing field for tenants and landlords in court and ultimately, it is a cost savings initiative because it will reduce and prevent the amount of people that end up homeless. Thank you

Communication from Public

Name: Kimberly Alvarado

Date Submitted: 03/01/2023 02:21 PM

Council File No: 18-0610-S3

Comments for Public Posting: Hi, my name is Kimberly and I am a tenant and I live in district 1. I want to thank Councilmembers Raman and Blumenfield for introducing the motion to establish Right to Counsel. As a renter, I want to strongly urge you to support a Right to Counsel ordinance. No one should EVER be evicted without legal representation. Right to Counsel is about reducing homelessness and access to equity and justice in court. An eviction case will never be equitable as long as landlords are almost always represented and less than 10% of tenants receive legal representation. Right to Counsel would create a more level playing field for tenants and landlords in court and ultimately, it is a cost savings initiative because it will reduce and prevent the amount of people that end up homeless. LA is facing an eviction crisis with nearly 35,000 eviction cases filed in Los Angeles in 2022. Without legal representation, tenants will wrongfully be evicted and the number of people who are homelessness will increase. Right to Counsel will save the City money. A 2019 report found that for every dollar invested in RTC, nearly \$3.48 will be saved by preventing people from falling into homelessness and the costs associated; shelter costs, hospitalizations, policing and street sweeps and incarceration, etc. We ask that you move a Right to Counsel Ordinance forward in order to keep as many Angelenos as possible from falling into homelessness.

Communication from Public

Name: Sophia Garcia

Date Submitted: 03/01/2023 02:42 PM

Council File No: 18-0610-S3

Comments for Public Posting: I am a tenant born and raised in Los Angeles. I want to thank Councilmembers Raman and Blumenfield for introducing the motion to establish Right to Counsel. As a renter, I have been severely affected by the pandemic and I know many families across LA have too. There is no reason for a person, especially a child, not to have a home when Los Angeles is quickly becoming a site of empty developments waiting for foreign investment. It's time to let go of the individualistic identity this country had built itself on because people are being murdered by the housing crisis and that will forever be part of this city's legacy. The Right to Counsel ordinance is owed to Angelenos. No one should EVER be evicted without legal representation in their case. Right to Counsel is about reducing homelessness and access to equity and justice in court. An eviction case will never be equitable as long as landlords are almost always represented and less than 10% of tenants receive legal representation. Right to Counsel would create a more level playing field for tenants and landlords in court and ultimately, it is a cost savings initiative because it will reduce and prevent the amount of people that end up homeless. I ask that you move a Right to Counsel Ordinance forward in order to keep as many Angelenos as possible safely and humanely housed.

Communication from Public

Name: Juan Carlos Hernandez

Date Submitted: 03/01/2023 02:44 PM

Council File No: 18-0610-S3

Comments for Public Posting: Hello, my name is Juan Carlos Hernandez. To begin, I'd like to express a deep gratitude toward councilmembers Raman and Blumenfield. Thank you for your continued support of our movement to combat housing injustice in the city of Los Angeles, the introduction to establish Right to Counsel paves the road to the solutions the city truly needs. I don't need to explain the unfair power imbalance that exists between a tenant and their landlord, a land "owner" and the individual subject to their fees (in various cases, their tantrums). The dynamic of this relationship in its natural state is founded in negation. Right to counsel challenges the 10% rate at which tenants receive legal representation, giving them a chance to avoid homelessness or paramount shadow debt – both issues that compound cyclically, spiraling into a negative long term health of our city and its constituent neighborhoods and vecindarios. I have lost count of how many of my transgender friends have been thrown to the streets and gone from point a to point b to point z because of ignorance and pointed negligence, unable to exist without the threat of homelessness looming over them. The problem is not housing, of that, there us plenty: its status as a commodity has been weaponized, while the rich monetize this necessity, the working-class people that make this city so great are being kicked out, pushed out, and crushed under the pressure of prices rising at exponential rates meanwhile jobs are lost and we are told that someone is working on it. Listen to us please. Move the Right to Counsel Ordinance forward in order to keep as many Angelenos as possible from falling into homelessness. Please.

Communication from Public

Name: Apartment Owners Association of California (AOA)

Date Submitted: 03/01/2023 03:12 PM

Council File No: 18-0610-S3

Comments for Public Posting: AOA and its members firmly oppose 18-0610-S3, the right to legal counsel. There are several organizations that provide legal services and other resources to support renters. These organizations may offer assistance with issues such as landlord-tenant disputes, evictions, and housing discrimination. Providing funding for attorneys is not an effective use of taxpayer dollars. To ensure a fair and balanced process, it's important to provide legal support to both renters and property owners, or neither. This approach will help prevent frivolous lawsuits and ensure that all parties have access to the same level of legal representation. If the right to counsel is going to be offered, it should be extended to both property owners and renters. It's worth noting that many property owners have a significant amount of wealth tied up in real estate assets, but may have limited cash reserves. Therefore, it's important to ensure that any legal assistance provided is equitable and accessible to all parties. If one group is offered legal support, it's only fair to extend the same support to others. Respectfully, Jeff Faller, President Apartment Owners Association of California, Inc. (AOA)