

MOTION

HOUSING & HOMELESSNESS

The severity of the homelessness crisis in the City of Los Angeles demands a multi-pronged response that prioritizes not just housing people experiencing unsheltered homelessness on the street, but also endeavors to do everything possible to prevent Angelenos from becoming homeless in the first place. The most effective way to do that is to keep people in their homes.

One of the most powerful tools the City has at its disposal to stabilize Angelenos in their current housing is to offer free legal services to tenants facing eviction via a Right to Counsel. An estimated 30,000 eviction notices are filed annually in the City of Los Angeles. When tenants are unable to afford a lawyer, they frequently fail to contest an eviction notice, even if it's unlawfully issued. As a result, many eviction actions end in default judgments against tenants that may have been able to make successful arguments in court, if they only had representation.

In New York City, which passed a Right to Counsel law in 2017, 74% of tenants facing eviction cases are now represented by a lawyer, and 84% of those represented in housing court by lawyers provided by the city were able to remain in their homes. As a result, evictions in New York dropped by 27% since 2013, helping an estimated 70,000 tenants avoid displacement. In San Francisco, which enacted the Right to Counsel in 2018, eviction filings declined 10% in just one year, and of the two-thirds of tenants now receiving full representation, 67% have been able to remain in their homes. Providing tenants legal representation not only reduces the number of evictions successfully carried out, but also deters landlords from pursuing wrongful evictions in the first place. As the epicenter of the nation's homelessness crisis, there is no reason the City of Los Angeles should not have an equally robust and effective program.

Preventing evictions via a Right to Counsel will also present a net cost-savings to the City by offsetting the cost of emergency shelters and homelessness services. A 2019 report prepared by Stout Risius Ross found that with an annual investment of approximately \$34.6 million annually, the City could avoid costs of approximately \$120.3 million.¹ In other words, for every dollar that the City invests in providing free legal counsel to tenants facing eviction, the City will receive approximately \$3.48 in costs avoided or revenue generated. These findings line up with cost savings already being realized in cities like San Francisco, New York, and Philadelphia, where the Right to Counsel is already in place.

The City Council has long understood the value of establishing a similar Right to Counsel in Los Angeles. In 2018, the Council directed the Los Angeles Housing + Community Investment Department (HCIDLA)—now the Los Angeles Housing Department (LAHD)—to work with the Office of the Chief Legislative Analyst (CLA) and the City Attorney to develop recommendations, including prospective costs and funding sources, for a City of Los Angeles "Right to Counsel" ordinance and/or a program to ensure that tenants have access to the information and representation when facing landlord harassment, rental agreement and lease issues, and eviction (CF 18-0610). Then in 2021, the City launched the Eviction Defense Program (EDP) to promote housing stability by offering comprehensive eviction prevention services to City of LA tenants impacted by the Covid-19 pandemic.

With the passage of Measure ULA, which allocates 10% of revenue generated each year to fund a Right to Counsel program for lower income tenants threatened with eviction, the time has come for the City to lay the groundwork for the implementation of a Right to Counsel program once these funds become available. Doing so will not only stem

¹ *Cost-Benefit Analysis of Providing a Right to Counsel to Tenants in Eviction Proceedings*, Dec. 10, 2019, https://info.stout.com/hubfs/2019-Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report_12-10-19.pdf.

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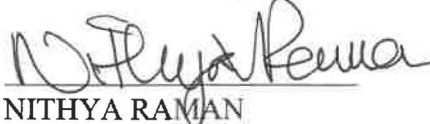
the flow of people into homelessness, preserve affordable housing, and help alleviate gentrification and displacement, it will also save the City money.


I THEREFORE MOVE that the City Council instruct the Los Angeles Housing Department (LAHD), with assistance from the City Attorney and any other City departments, as needed, to report back within 60 days with recommendations for the establishment of a Right to Counsel ordinance and program, subject to the availability of funds, for tenants facing eviction in the City of Los Angeles. The recommendations should build upon HCIDLA's November 1, 2019 Report Back Regarding Recommendations for a City of Los Angeles Eviction Defense Program, in addition to lessons learned from the establishment and implementation of the COVID-19 Response Eviction Defense Program (EDP), and should utilize the National Coalition for a Civil Right to Counsel (NCCRC)'s Model Legislation as a model for best practices for the development of a City ordinance. Specifically, the recommendations should consider including the following:


- Coverage for tenants at 80% of the Area Median Income or below who live in the City of Los Angeles;
- Full legal representation for any judicial or administrative proceedings to evict or terminate the tenancy or housing subsidy of a covered individual, including first appeals at the discretion of contracted legal service providers;
- A requirement that landlords provide notice to tenants of the right to counsel when tenancies are initiated and attached to any termination notice in the primary language of the tenant;
- A requirement that LAHD work with designated community groups to engage and educate tenants about their rights and provide tenants with navigation services;
- An annual reporting requirement on the number of individuals served, case outcomes, and engagement and education efforts;
- An implementation timeline of no more than five years, prioritizing vulnerable individuals based on zip codes and/or criteria developed by LAHD in collaboration with contracted legal service providers and community based organizations; and
- As in the Right to Counsel ordinances in other jurisdictions, a provision clarifying that the Right to Counsel program be established and operated "subject to appropriation" of the necessary funds.


I FURTHER MOVE that the City Council instruct the Los Angeles Housing Department, with assistance from the City Administrative Officer, Chief Legislative Analyst, the City Attorney, and any other City departments, as needed, to report back within 60 days with a detailed cost breakdown for the Right to Counsel ordinance and program and staffing needs, in addition to a prospective year-by-year spending plan for the implementation of the program subject to funding becoming available.


PRESENTED BY:



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