

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: December 7, 2022

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations
Committee

FROM: Sharon M.  Iso
Chief Legislative Analyst

Assignment No: 22-09-0560

2023-2024 Housing State and Federal Legislative Programs

CLA RECOMMENDATION

That the City Council, subject to concurrence of the Mayor:

1. Adopt the attached Resolution to include in the City's 2023-2024 State Legislative Program SUPPORT and/or SPONSORSHIP of legislation or administrative action to facilitate access to eviction data;
2. Adopt the attached Resolution to include in the City's 2023-2024 Federal Legislative Program SUPPORT and/or SPONSORSHIP of legislation or administrative action that would make available at minimum 400 additional Housing and Urban Development (HUD) Section 8 Project-based Vouchers (PBVs) a year for people experiencing homelessness; and
3. Instruct the Chief Legislative Analyst (CLA), with the assistance of the Los Angeles Housing Department (LAHD), to MONITOR a proposal under which HUD would allow jurisdictions with a population of over 2 million to form a Continuum of Care and instruct the CLA to report and prepare a Resolution, if necessary, when additional information is available.

SUMMARY

For the 2023-2024 State and federal Legislative Programs, this Office reviewed three proposals submitted by the Los Angeles Housing Department (LAHD). Consistent with past actions to sponsor and support legislation to promote affordable housing, we have reviewed these proposals and recommend that Council support and/or sponsor State and federal legislation or monitor proposals, as described in this report.

BACKGROUND

STATE LEGISLATION - SUPPORT

LAHD recommends support or sponsorship of a proposal that would allow the City access to eviction data from Superior Courts. This proposal is summarized below.

Eviction Data

LAHD informs that the City is currently unable to access local eviction data from the Judicial Council or Superior Courts, hindering the City's ability to effectively help renters at risk of eviction. LAHD recommends that the City support any legislation that mandates Superior Courts to share annual eviction data with City or County housing agencies to prevent displacement of tenants. Eviction data such as the frequency, location, and cause of evictions could inform the expansion of the City's Eviction Defense Program (EDP) or design of new programs to ensure that renters have access to legal counsel during eviction proceedings.

The City of Los Angeles has taken a position to support this legislative change in its 2019-20 and 2021-22 Legislative Programs. The County of Los Angeles has also taken a similar position to support access to court eviction data, as part of its 2023-24 Legislative Program.

FEDERAL LEGISLATION - SUPPORT

LAHD also recommends support for federal legislation pertaining to the increased availability of HUD Project-based Vouchers (PBVs). This proposal is summarized below.

HUD Increased Availability of Project-based Vouchers

LAHD notes that PBVs are necessary to make permanent supportive housing units affordable for people experiencing homelessness. PBVs are a form of rental assistance that is matched to units in a specific building. Unlike tenant-based vouchers that a renter can carry to different buildings, PBVs are effectuated through a contract between HUD and a property owner to ensure that units in a building remain affordable for an extended period of time. LAHD indicates that PBVs are necessary to enhance its Affordable Housing Managed Pipeline, which distributes funding to developers of affordable housing. The Department notes that permanent supportive housing buildings provide services to support individuals experiencing homelessness in a centralized location. Consistent with past actions, LAHD recommends that the City support HUD's expansion of its PBV program by an additional 400 vouchers per year for permanent supportive housing units in the City of Los Angeles.

This Office concurs with LAHD but recommends that the City support the availability of at minimum 400 vouchers, to allow for flexibility given the demand. The pertinent Resolution is attached.

FEDERAL LEGISLATION - MONITOR

LAHD recommends support for a change to a HUD rule that would allow for a city with a population of greater than 2 million to apply for its own Continuum of Care (CoC). Currently, Los Angeles Homeless Services Authority (LAHSA) is the lead agency in the Los Angeles City and County CoC (Los Angeles CoC). In that role, LAHSA serves as the regional planning body that coordinates homeless housing and services for Los Angeles County. Inasmuch as there are pending discussions before the City Council around the governance structure of LAHSA, it is recommended that this proposal be monitored.

HUD Rule to Allow Certain Cities to form a Continuum of Care

LAHD advises that through the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, three homeless assistance programs administered by HUD were consolidated under the CoC Program. The HEARTH Act also codified into law the CoC application process and directed HUD to promulgate pertinent regulations. A CoC, comprised of representatives from various organizations within a geographic area, is responsible for designing and coordinating service programs in a defined geographic area. LAHSA, as the collaborative applicant for the Los Angeles CoC, coordinates services and housing for an area that covers 85 cities and 10 million people.

LAHD recommends that HUD expand the opportunity for cities that have a population of over 2 million to form a CoC. LAHD informs that under this proposal, the City of Los Angeles would have the opportunity to form its own CoC and its stakeholders would have the ability to establish funding priorities and submit applications for HUD funding.

In October 2022, Council instructed the CLA, CAO, and other departments to prepare a report that evaluates developments concerning the governance structure of LAHSA and options relative to the reform of the Regional Homelessness Response System, including: transition models for in-house homeless services; avenues for the City to increase direct oversight over homeless outreach and service provision; and a strategy to transition into a City-specific CoC (C.F. 22-0799-S1).

This LAHD proposal to change the process for forming a CoC could have impacts that have not yet been analyzed but are currently being studied at the direction of Council. The pending report with additional analysis of governance options should inform this legislative proposal further. Therefore, this Office recommends that this proposal be monitored as there is insufficient information relative to its administration, implementation, or fiscal impact. This Office recommends that this proposal be monitored and a Resolution be prepared, if necessary, when additional information becomes available.



Dora Huerta
Analyst

- Attachment A: Resolution to support State legislative changes to access eviction data
- Attachment B: Resolution to support additional federal housing vouchers

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies, proposed to or pending before a local, state or federal government body or agency, must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, evictions can contribute to a rise in homelessness, further compounding the crisis on the streets and impacting the lives of the City's most vulnerable residents; and

WHEREAS, legal and bureaucratic barriers in the State of California prevent cities like Los Angeles from accessing information around the number and location of evictions in their jurisdictions; and

WHEREAS, without accurate eviction data, the City cannot effectively expand its Eviction Defense Program and implement additional eviction defense initiatives or other strategies for limiting displacement; and

WHEREAS, new eviction data can facilitate insight and inform strategic investments in local efforts to keep families and communities stable and prevent homelessness;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2023-24 State Legislative Program SUPPORT and/or SPONSORSHIP of legislation or administrative action that mandates the Superior Courts to share annual eviction data with city housing departments to prevent widespread displacement of tenants.

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City Council has been working to address the homelessness crisis by funding permanent supportive housing (PSH) for individuals at risk of or experiencing homelessness; and

WHEREAS, local funding alone is not sufficient to make PSH feasible and it is critical that there is adequate federal investment to address the very complex PSH financing; and

WHEREAS, there is a significant need for federal Section 8 Project-based Vouchers to support the long-term operation of buildings that will be affordable and offer appropriate services to assist this vulnerable population; and

WHEREAS, the Los Angeles Housing Department seeks an additional 400 federal Section 8 vouchers to make PSH projects in the City's pipeline feasible; and

WHEREAS, the City should support federal funds to uplift those who are experiencing homelessness, and leverage federal dollars to maximize the number of units available to serve the homeless population;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2023-2024 Federal Legislative Program SUPPORT and/or SPONSORSHIP of legislation or administrative action that would make available at minimum 400 additional Housing and Urban Development (HUD) Section 8 Project-based Vouchers (PBVs) a year for people experiencing homelessness.