



Los Angeles Right to Counsel Coalition History & Codification Efforts

By Barbara Schultz, Director of Housing Justice,¹ Legal Aid Foundation of Los Angeles

The Los Angeles Right to Counsel Coalition is made up of tenants, tenant organizing groups and advocates, academics, and legal services organizations.



The coalition formed in June 2018 to call for a Renters' Right to Counsel for tenants facing eviction, including legal representation, eviction prevention services, and emergency rental assistance. Together, the coalition developed a Right to Counsel Proposal for the city and county of Los Angeles.

We regularly met with both jurisdictions to develop a pilot program that would phase in eligible areas by zip code based on various housing vulnerability tools. When the pandemic hit in early 2020, political will changed, and the county fast tracked an expanded eviction defense model, which became Stay Housed Los Angeles (SHLA).

Los Angeles County is home to 88 separate political jurisdictions, with the city of Los Angeles being the largest. Therefore, the Coalition is targeting the city of LA, and unincorporated Los Angeles County, which is the only political jurisdiction the County Board of Supervisors have legislative authority over, absent a state of emergency. The Coalition is also looking to the county to incentivize smaller jurisdictions to adopt tenant protections, including right to counsel. The city of Long Beach contributes funding to the county for SHLA. The city of Santa Monica has its own modest program with SHLA.

From the onset, the coalition has worked towards codification by meeting with elected officials, getting allies onboard, commissioning a Stout cost-benefit analysis,² and drafting phase in proposals. Both political jurisdictions made clear that, absent a permanent source of funding, they were uninterested in codifying the right, even while expanding the program.

In summer 2022, a city voter initiative gathered enough signatures for the November 2022 ballot to include a measure entitled "United to House LA."³ If approved by voters, it will provide funding for affordable housing development and a right to counsel program, among other things. A motion was introduced into City Council to begin looking at implementation of this measure, should it pass. The measure would collect funds via a tax on multi-million-dollar property sales.

A California state bill was just passed that will create a county-wide agency that, if funded, will provide money for affordable housing development and a right to counsel program in the next few years, likely through a taxing mechanism similar to United to House LA. Additionally, the County Board of Supervisors recently passed a motion that requests a study to expand SHLA to "universal access."

While neither of these jurisdictions has proposed codifying a right to counsel, the coalition believes that they will do so once the funding mechanism is in place.

Stay Housed Los Angeles (SHLA)

SHLA is a collaboration between ten legal service providers (LSPs), a foundation, and twelve community-based organizations (CBOs). When the county of Los Angeles first funded SHLA in summer of 2020, we had two separate contracts — one for LSPs, led by Legal Aid Foundation of Los Angeles (LAFLA), and one for CBOs, led by the Liberty Hill Foundation. Since that time, both have been combined into contracts with LAFLA. LAFLA subcontracts to each LSP, and to Liberty Hill, who in turn subcontracts to CBOs. LAFLA takes on all program administration and has several "program-wide" positions, including a part-time Director to oversee the program as a whole, a program manager, accountant, volunteer coordinator, and five receptionists to answer the SHLA toll-free

phone line. Separate foundation funding allowed LAFLA to hire two dedicated intake paralegals, and an attorney to oversee them, a data manager, stipends for law clerks, and a training consultant. One of those grants also provides funds to revamp the website and attorney pipeline and recruitment efforts.

SHLA began representing tenants in evictions in September of 2020. The city program began in May 2021. The present SHLA budget is approximately \$30 million a year, now funded primarily by federal COVID-19 relief funds, but also includes state and local funds. The SHLA program includes outreach efforts by CBOs, numerous weekly educational workshops, tenant navigation services, both limited and full scope legal services, and rental assistance. Since its inception, SHLA has made contact with over one million tenants via phone, text, or in-person outreach. SHLA held over 1100 educational workshops with 15,000 participants. We have provided legal services to 12,400 tenants, about 25% of those were full scope representation. Tenants access SHLA by the website www.stayhousedla.org, the toll-free phone line, or via any of the SHLA partners.

SHLA implementation challenges & lessons learned:

1. **Infrastructure issues** — The coalition has stuck together surprisingly well, but that's not to say there aren't issues, and resolving them takes a great deal of time. SHLA formed an SHLA steering committee to help monitor the program, and there is an MOU that all partners sign that lays out the values and processes for SHLA. We hold several weekly meetings, both for SHLA and for the Right to Counsel Coalition, as we continue to improve effectiveness of SHLA while advocating for a codified right to counsel. LSPs and CBOs are of varying sizes and sophistication in dealing with government contract requirements. We continue to have issues with getting timely invoices and data. LAFLA has adjusted our program-wide staffing to try to provide more assistance to subcontractors. For example, initially the project manager was in charge of both invoicing and data; we eventually hired a separate data manager through foundation funding.
2. **Multiple fund sources and eligibility requirements** — Both our funders are using multiple funding sources (state, local, federal) to fund SHLA. Some funding sources have different eligibility standards. This complicates contracts,

subcontracts, invoicing, client intake, data tracking, and deliverables. On top of this, many LSPs have other, non-SHLA eviction defense funds. Luckily, most LSPs are using the same case management system, so we have been able to share tech tips to make data reporting easier, and SHLA was able to pay for some resources, like geographic information system (GIS) mapping, through the contract. LAFLA technology staff is available to meet with subcontractors to help them figure out data reporting. The LAFLA accountant has created invoice templates that break out funding by source and meets with subcontractors to offer invoicing assistance. We have recently changed billing so that city and county are both on a payment reimbursement model. We are working with outreach staff and funders to try to increase applications by tenants with specific funding sources.

3. **Hiring & training staff** — It has been extremely difficult to hire even the current level of staff, particularly attorneys, when the job market is so competitive for nonprofit employers. At the beginning of the pandemic when everyone else, including legal services programs, were working remotely, attorneys still had to physically go into court. Courthouses were notorious for failing to provide a COVID safe environment, and there were several outbreaks. Many LSPs had high turnover, if we were even able to hire in the first place, and the constant training alone took a toll on managers. Since then, the state of the job market has prevented many LSPs from fully hiring, when applicants have their choice of higher paying positions. Attorneys have also balked at high workloads (which have in fact been lower caseloads than pre-pandemic, but also more complex because of the myriad of new and changing laws.) The influx of new staff has required more onboarding and training. As a result, we contracted with the SHLA training consultant, who now provides weekly training and mentorship. Some LSPs faced the hiring challenge by hiring classes of post-graduate fellows. Our training consultant recently completed an eviction training bootcamp for ten fellows who got substantive training, watched court proceedings, and even spoke to an eviction judge. We are also working on improving the pipeline by hiring law students as clerks, providing clinic opportunities, and giving presentations to law schools. SHLA hopes to create a pipeline whereby law students (and law schools) recognize the importance of eviction defense in the broader housing justice movement, work as a paid law clerk during law school, opt in to a post-graduate fellowship in

their 3L year, and then move into staff attorney positions.

4. **Rental Assistance Funds** — LA City and County incorporated a rental assistance component into SHLA with a focus on stabilizing housing, not merely paying down rental debt. One of the LSPs administered the review of applications and release of funds after LSP partners submitted requests for funding on behalf of its full-scope clients. Given the objective of the program — keeping tenants housed — rental assistance was contingent on a tenant being able to sustain rental payments following receipt of any funds, as well as the cooperation of the landlord in providing proof of ownership documents. For clients with other COVID-19-related hardships, funds were also used to address areas that were the basis for eviction, like breach of lease for failure to pay increased security deposit, as an example; or certain notices that required a tenant to address issues within the unit, such as hoarding or storage issues. Due to the eligibility criteria, clients often faced uncooperative landlords looking to displace long-term tenants from rent controlled units, and many tenants faced difficulty recovering from the devastating economic impact that the pandemic inflicted on their families, limiting the availability of such funds. Going forward, we have expanded the program to also concentrate on pre-eviction rent payment, in order to avoid the eviction altogether. We also received funding that specifically pays future rent for a limited number of tenants.
5. **Managing expectations** — Because SHLA is a county-wide eviction prevention and defense program, rather than phase-one of a right to counsel program, millions of tenants are eligible. Los Angeles had very strong tenant protections in the first two years of the pandemic, and the eviction filing rate was greatly reduced from the 40,000+ evictions in 2019 to approximately 13,000 in 2020. Therefore, particularly in the first year, SHLA was able to provide legal assistance of some kind to most tenants who asked for it. However, the eviction rate started steadily increasing, and by June 2022, hit pre-pandemic levels of over 3,300 filings each month. Tenants with evictions asking for SHLA legal assistance went from 391 tenants in January of this year to 1,542 in September. SHLA is only able to represent a few hundred tenants each

month. Even our CBO workshops have had to impose limits of 150 participants. Despite our clear inability to handle all of these cases, elected officials, tenants, and even our funders seem to believe that we have a full right to counsel and expect us to take on more cases. It is very frustrating for all involved, and is also causing LSP and CBO staff burnout. We are facing this challenge by talking to our funders about returning to geography-based eligibility, particularly in the face of potential rapid expansion. We are also exploring ways to ensure front line staff connect more to the movement.

6. **Growing pains** — LSPs have varying commitments to growing their eviction defense work. Some worry it will subsume other substantive areas. Most worry about the funding and staffing recruitment and sustainability. Due to LA's size, and the extent of the housing crisis which results in high eviction numbers, any phase in will likely take several years. We estimate we will need approximately 400 attorneys, which is quite a daunting task. SHLA has been looking at models across the county, and, along with city and county partners, is presently enrolled in the national Advancing Housing Justice: Right to Counsel for Tenants Sprint Cohort, organized by the National Coalition for a Civil Right to Counsel and others. We have been meeting internally to develop a multi-year phase-in plan for full right to counsel, whether codified or not.

Implementing SHLA has been, and continues to be, a challenge. However, as the last four years of advocacy efforts have proven, Los Angeles is up to the task.

- 1 Barbara J. Schultz is the Director of Housing Justice and oversees Legal Aid Foundation of Los Angeles' (LAFLA's) work on housing, houselessness, and community empowerment. As a proponent of a community lawyering model, Barbara works closely with community-based organizations. She has been a key member of the Los Angeles Renters Right to Counsel Coalition, leading the effort for LAFLA by securing the first government contracts for Stay Housed LA. Prior to becoming a director, her litigation and policy efforts focused on issues affecting Skid Row residents. The 2006 settlement in Wiggins v. Los Angeles Community Redevelopment Agency, still in effect, ensures the affordability and preservation of residential hotels in downtown Los Angeles.
- 2 https://info.stout.com/hubfs/PDF/Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report_12-10-19.pdf.
- 3 https://unitedtohousethela.com/app/uploads/2022/05/LA_City_Affordable_Housing_Petition_H.pdf.