**[Right to Counsel Form Letter]**

***This is a template that may be used to write a letter to any elected officials or editors of local papers regarding RIGHT TO COUNSEL. We encourage you to revise the letter in your own words.***

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Name and/or Title  
Company  
Address  
City, State Zip Code*

Re: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agenda Item \_\_\_\_\_\_\_\_)

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:  
***(Insert “Editor” or “Hon. Mayor ‘Last Name’ and Members of the ‘Name of City’ City Council” or other name)***

My name is \_\_\_\_\_\_\_\_\_\_\_\_\_, and I am responsible housing provider in the City of \_\_\_\_\_\_\_\_\_\_\_. I am writing this letter to express my strong opposition to the Council’s consideration of “Right to Counsel” ordinance. Adopting a “Right to Counsel” ordinance will hurt the smaller, “mom and pop” rental property owners like me **[us]**, who are in the business providing individuals with affordable housing rather than in the business of evictions. **[I have lived in the City of \_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_ years, and I wish to continue providing housing for individuals and families in the \_\_\_\_\_\_\_\_\_\_ community.]**

**[Explain how long you have owned rental property and/or became a rental property owner, and how you have been a responsible housing provider.]**

I have been a rental property owner for \_\_\_\_\_\_\_ years. I have [had] worked 9:00 to 5:00 jobs my whole life, and after much sacrifice, I [we] finally saved up enough money to buy a \_\_\_\_\_\_ unit apartment building in the City of \_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_. I have not raised my rent for \_\_\_\_\_ years, and I am one of the many that providing housing under market value in the area. I am [we are] not in the eviction business, and my [our] goal is not to evict my tenants but rather to provide housing for those in our community who need it.

Implementing a “Right to Counsel” ordinance will have a detrimental impact on small rental property owners in the City. Rental housing providers are not in the “eviction business.” Evictions are always a last resort because they are both costly and time consuming and have negative consequences for both owners and renters alike. It is important to note that more than 70% of eviction cases are due to nonpayment of rent. For property owners, the time and expense of lost rental income, rehabilitation of the rental unit, and associated legal fees can cost between $15,000 and $50,000 for contested eviction matters. Small rental property owners simply do not have the resources to endure such financial burdens. For renters, the ability to find new housing is made more difficult following a history of eviction. Accordingly, evictions do not benefit neither the renter nor the housing provider.

**[Please state your opposition to the measure and explain why/how detrimental this measure would be on small rental property owners like yourself. See examples on the attached, Exhibit A.]**

Thank you for your consideration. If you have any questions, please call me at (\_\_\_\_\_) \_\_\_\_\_- \_\_\_\_\_\_\_\_\_ or email me at \_\_\_\_\_\_\_\_\_@\_\_\_\_\_\_\_.\_\_\_\_\_\_\_\_.

Sincerely,

*Your Name*

**Exhibit A- Additional Commentary on Right to Counsel Ordinance**

1. If the Council’s objective is homelessness prevention through reductions in evictions, the most direct path, and one that benefits both renters and rental housing providers is the establishment of an emergency rental subsidy or voucher program with wraparound supportive services. The City’s general funds should be allocated to assist and to educate renters who are at risk of eviction due to nonpayment of rent. Rental housing providers, that already operate under severe rent control regulations, should not be a source of funding for this Program – the cost of the Program must be shared by all the City’s residents.

Outcomes from a 2017 Los Angeles pilot program reflected that “tenants with representation were able to successfully settle cases almost twice as often as those without.” What is important to recognize is that most settlements still result in the renter vacating the unit. If the Council’s goal is to keep renters in their homes, increasing case settlements will have minimal impact. Therefore, I strongly oppose Council’s proposal of any “Right to Counsel” ordinance.

1. I **[we]** want to emphasize that adopting a “Right to Counsel” ordinance will not lead to preventing homelessness or keeping renters in their homes. Instead, this ordinance unfairly targets “mom and pop” rental property owners who cannot afford to hire an attorney. If this ordinance is implemented, the renter will have free legal representation at the expense of the small rental housing providers. In doing so, these “mom and pop” rental property owners will be placed at an unfair disadvantage. Therefore, the City Council must work to address the housing issue on fair and practical terms without imposing financial burdens on those who provide affordable housing for the City.
2. I **[we]** strongly oppose the adoption of a “Right to Counsel” measure. This measure will have minimal effect on reducing homelessness within the City, but it will lead to imposing grave financial burdens on “mom and pop” housing owners. Rather than allocating money to impede an already overburdened housing court system, the Council should consider creating an effective pre-eviction services, such as emergency rent subsidies or mediation services. Furthermore, if legal counsel is provided to the renter, it should also be provided to small rental housing providers as well. The Council should not move to adopt an ordinance that places housing providers at an unfair disadvantage over the renters.
3. The City would be better served to provide for homelessness and eviction prevention program that also provides property owner and renter education and outreach, provides needed assistance to “at risk” renters through emergency rent subsidies or vouchers coupled with supportive services for renters “at risk” of homelessness. Additionally, mediation services when appropriate should be made available to facilitate communication and issue resolution between renters and rental property owners to avoid a costly eviction process entirely. We strongly support outreach and educational services for rental housing providers and renters to ensure that rental housing providers have a clearer understanding of their legal obligations and renters are properly informed of their rights. This is particularly important for new rental housing providers who may not be aware and knowledgeable of all the legal requirements.
4. We believe that the City should establish a program focused on pre-eviction and homelessness prevention and allocate County resources to that objective. If a “Right to Counsel” program is advanced it should be narrowly tailored and be provided equally to renters and rental housing providers based on need, with the threshold for assessing need set at a household income of either 200% Federal Poverty Level or 80% Average Median Income. There must be clear parameters for evaluating qualifying cases and qualifying attorneys. It is vital that a system be instituted to determine whether a case involves factors warranting the need for representation such as habitability, harassment, or discrimination and not solely based on non-payment of rent which accounts for approximately 70% of evictions.
5. Safeguards must be implemented to minimize opportunities for unethical legal practices geared to prolong the eviction process and extort unjustified settlements. A ”Right to Counsel” program should advance a more effective and efficient eviction process, establish maximum time limits for cases, limits on extensions and allow but not mandate jury trials. A mechanism should be established for the removal of attorneys who engage in unscrupulous practices. Attorneys should be compensated on a sliding scale based on how quickly they can resolve matters, with lesser compensation paid for prolonged matters, and all legal fees should be “capped.” Rental housing providers with ten or fewer units and senior owners should be exempt from the program as small rental housing providers generally do not have the resources to hire an attorney and would be placed at an unfair disadvantage if the renter is afforded free legal representation. In these circumstances, if legal counsel is provided to the renter, it should also be provided to small rental housing providers.
6. If the Council’s objective is homelessness prevention through reductions in evictions, the most direct path, and one that benefits both renters and rental housing providers is the establishment of an emergency rental subsidy or voucher program with wraparound supportive services. To address the overarching societal need of homelessness prevention with its root causes ranging from sudden employment loss to lack of financial knowledge and budgeting, the City’s general funds should be allocated to assist and to educate renters who are at risk of eviction due to nonpayment of rent. The assistance should be a combination of emergency rent subsidies coupled with supportive services such as financial counseling and employment resources to address both the immediate financial need and promote skills enhancement. Rental housing providers, that already operate under severe rent control regulations, should not be a source of funding for this Program – the cost of the Program must be shared by all the City’s residents.
7. Pre-eviction and prevention should be the primary focus of the Program. The City should identify partners such as Brilliant Corners and PATH to assist with eviction prevention.

Eviction is a costly process for property owners that is typically only a last resort and in more than 70% of the cases is the result of non-payment of rent. Evictions have negative consequences for both the rental property provider and renter. For the rental property provider, the time and expense of lost rental income, rehabilitation of the rental unit, and re-renting of the unit and the associated legal fees can cost rental property providers from $15,000 to $50,000 for contested eviction matters. For the renter, the need to locate a new home can become more difficult when there is a history of eviction and could lead to potential homelessness for an individual or family.

To address the overarching societal need of homelessness prevention, the City’s general funds should be allocated to assist renters who are at risk of eviction due to non-payment of rent. The assistance should be a combination of emergency rent subsidies coupled with supportive services such as financial counseling and employment resources to address both the immediate financial need and its root causes ranging from sudden employment loss to lack of financial knowledge and budgeting skills. Rental property providers, that already operate under rent control restrictions, should not be a source of funding for this Program – the cost of the Program must be shared by all of the City’s residents.

Under these circumstances, mediation can be a valuable tool in reconciling differences between renters and owners and make the living situation better for both parties. It is important to note that the mediation process should be utilized to facilitate communication and resolve issues and not to effectively delay the process further.

1. The goal of the “right to counsel” aspect of the Program should be to target rental property providers that are committing code violations or illegal activities. Representation should be afforded to both renters and rental property providers based on financial need. Rental property providers of ten or fewer units and senior owners should be exempt from the program as these “mom and pop” owners generally do not have the resources to hire an attorney and would be placed at an unfair disadvantage if the renter is afforded free legal representation. In these circumstances, if legal counsel is provided to the renter, it should also be provided to the small rental property provider.

The threshold for assessing need should be household income of either 200% Federal Poverty Level or 80% Average Median Income. In addition, cases based solely on non-payment of rent should be deemed ineligible and redirected to homelessness prevention and other supportive services. Qualifying cases should be the result of a preliminary investigation and vetting process by City oversight and an initial determination that there has been an illegal eviction or other factors related to habitability, harassment or discrimination.

1. Qualifying attorneys should be required to complete a “request for proposal” process or “RFP” in order to be certified for participation in the Program. There are many attorneys that currently represent renters that have been found to be reasonable and that have worked quickly to resolve eviction matters. The City should attempt to retain those attorneys instead of tenant advocate groups.

Safeguards should be implemented to minimize opportunities for unethical legal practices geared to prolong the eviction process and extort unjustified settlements. The Program should work to advance a more effective and efficient eviction process, establish maximum time limits for cases, limit extensions and allow but not mandate jury trials. All cases should be reviewed by the Housing + Community Investment Department and the City Attorney’s office prior to being referred to counsel in order to ensure such cases meet the City’s criteria for funding. A “checklist” should be created by the City for evaluating cases (e.g., habitability issue, discrimination, code violation, reduction in amenities, etc.).

Additionally, a mechanism should be established for the removal of attorneys who engage in unscrupulous practices from the program. Finally, attorneys should be compensated on a sliding scale based on how quickly they can resolve matters, with lesser compensation paid for prolonged matters, and all legal fees should be “capped.”

1. Rental property providers should not be burdened with the obligation of notifying the City in the event of an eviction. Renters should; however, be obligated to do so as a prerequisite in order to avail themselves of the City providing counsel and/or other supportive services.