



"Great Apartments Start Here!"

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Via Electronic Mail

Hon. Mayor D'Amico and Members of City Council
West Hollywood City Hall
8300 Santa Monica Boulevard
West Hollywood, California 90069

Re: Right to Counsel (Agenda item 4.C.)

Dear Hon. Mayor D'Amico and Members of the West Hollywood City Council:

At the March 16th City Council meeting, the Council will be presented with staff's recommendations for the advancement of an ordinance establishing a "Right to Counsel" program for renter's in the City of West Hollywood. The Apartment Association of Greater Los Angeles (AAGLA) requests that the Council consider the Association's concerns and recommendations as you deliberate the establishment this program.

As set forth in the Staff Report, West Hollywood renters currently have access to legal assistance through the City's contract with Bet Tzedek Legal Services and twice weekly legal clinics staffed by attorneys from Bet Tzedek and the Coalition for Economic Survival (CES). Further, both organizations provide legal representation through their individual intake processes and criteria. Bet Tzedek's assesses each individual's circumstances inclusive of their financial need, the merits of the case and the agency's caseload in determining whether to provide full legal representation.

As the Council contemplates enhancements to the City's current legal resources and eviction assistance, we urge the Council to consider several important factors, set forth herein.

Approximately 70% of evictions are based on non-payment of rent and as a result the most direct and impactful way to immediately reduce evictions is through rent subsidies coupled with supportive services. We urge the Council to allocate a significant portion of funding to such financial support coupled with case management services, so that eligible renters are provided with both immediate and long-term assistance that is customized to their situation whether it be a recent job loss, a need for financial literacy, or catastrophic health issue.

If a "Right to Counsel" program is advanced, it should be narrowly tailored and renters and



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rental property owners should benefit equally based on financial need, with the threshold for assessing need set at a household income of 80% Average Median Income (AMI). There must also 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 free City provided representation such as habitability, harassment, or discrimination and not solely based on non-payment of rent. Cases based solely on non-payment of rent should be directed to rental assistance and wraparound supportive services which will enable the individual to stay in their housing, not a likely outcome through legal representation.

Safeguards must also be implemented to minimize opportunities for unethical legal practices geared towards prolonging the eviction process at the expense of housing providers and encouraging 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.

Mechanisms must also 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 legal fees in all instances should be "capped." Small, "mom and pop" rental housing providers and seniors who own rental properties should be exempt from the Program as these owners typically do not have the resources to hire an attorney and would be placed at a severe disadvantage when renters are afforded free legal representation. **In these circumstances, if legal counsel is provided to the renter, it should also be provided to the small rental housing provider.**

AAGLA supports the establishment of a comprehensive program that focuses on homelessness prevention and addresses illegal evictions. Of equal importance, any program that is advanced must be a balanced one that does not further impede an already overburdened court system and that does not increase costs and risks for rental housing providers. To that end, the program should be available to both low-income renters and rental property owners and outreach and education should provide renters and owners with information regarding their rights and responsibilities. The adoption of numerous housing ordinances and related regulations necessitate that the City continually advance education and outreach services to both renters and rental property owners. Small property owners, many of whom are retirees, seek to comply with all the requirements but often struggle to navigate the system and fear the consequences of an unintended mistake. New owners must also have access to educational services as they are often unaware of all their newly acquired legal obligations.

Evictions are not a desirable outcome for renters nor rental property owners. There are a multitude of negative consequences to renters following any eviction, including but not limited to, reduced credit score, difficulty securing new housing and potential homelessness. **It is equally important to recognize that rental housing providers are in the business of providing people with housing and filling vacancies as efficiently as feasible, and not engaging in the eviction process.** Evictions run counter to good rental business practice, as they are costly and often result



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in lost rental income, incurring cost of rehabilitation of the vacant rental unit, marketing the unit for rent, and the associated legal fees and expenses which can cost anywhere from \$15,000 to up to \$50,000 for contested eviction matters. **The best solution for all the involved parties is to avoid the eviction process entirely.**

To reiterate, if the City Council's objective is homelessness prevention by reducing 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 or health crisis to lacking financial knowledge, 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, operating under severe rent control regulations, should not be a source of funding for the program, the cost of the program must be shared by all the City's residents. 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.

Thank you for your consideration of the concerns and recommendations outlined in this letter as you deliberate establishing a "Right to Counsel" program. If you have any questions, please call me at (213) 384-4131; Ext. 309 or contact me via electronic mail at danielle@aagla.org.

Very truly yours,

Danielle Leidner-Peretz