

## Attachment 4

# LEGAL AID AND REPRESENTATION PROGRAM FOR LOW-INCOME TENANTS IN GLENDALE

This report evaluates the feasibility of implementing a Legal Aid and Representation Program or tenants right to counsel program aimed at increasing access to legal aid and representation for low-income tenants facing eviction in the City of Glendale. The program intends to ensure tenants have adequate representation during eviction proceedings, enhancing their ability to navigate legal complexities. The report outlines the program's operational framework, cost estimates, staffing requirements, and various levels of involvement.

### Program Objectives

- Provide legal aid and representation to low-income tenants facing eviction.
- Partner with established legal aid agencies to handle cases.
- Offer financial assistance to cover attorney costs for eligible tenants.
- Implement a reimbursement mechanism to recover attorney fees from legal victories.

### NEED FOR ATTORNEY SERVICES FOR TENANTS

Tenants facing eviction often lack the legal expertise to navigate complex legal proceedings, which significantly affects their chances of a favorable outcome. The National Coalition for a Civil Right to Counsel estimates that less than 5% of tenants facing eviction have representation nationwide. Meanwhile, about 80% of landlords use attorneys.

The lack of access to legal services for low-income tenants is a widespread issue. Many tenants cannot afford legal representation, and free legal aid resources are often overwhelmed. In cities like San Francisco and Los Angeles County, initiatives like the Tenant Right to Counsel program have been implemented to address this gap, offering free legal representation to eligible low-income renters facing eviction proceedings.

Having legal representation significantly improves tenants' chances of avoiding eviction and achieving favorable outcomes in court. Legal assistance helps tenants understand their rights, prepare necessary documents, and present their cases effectively. Programs in New York City, Kansas City, and Boston have demonstrated the positive impact of legal aid, reducing eviction rates and helping tenants stay in their homes.

### Evictions in Glendale

To better understand number of evictions in Glendale, staff attempted to identify how many unlawful detainers were being processed in Glendale. Staff was able to reach out to the LA

County Superior Courts for data which showed the number of Unlawful Detainers filed in the City of Glendale. While this data doesn't capture all evictions—since tenants may leave after the initial notice without an Unlawful Detainer ever being filed—it offers a useful starting point for analysis. The data showed the following for Glendale:

- 2019: 573 evictions
- 2020: 211 evictions
- 2021: 181 evictions
- 2022: 618 evictions
- 2023: 711 evictions
- 2024: 312 evictions (up to the date in the dataset)

There was a notable decrease in the number of evictions during the COVID years and moratoriums, followed by a sharp increase in 2022 and 2023. If this trend continues, we can expect to see anywhere between 500 to 700 unlawful detainers filed this year.

## **RIGHT TO COUNSEL EXAMPLES**

Recently in San Francisco and Los Angeles County, initiatives for tenant representation in evictions have been approved.

### *San Francisco*

In San Francisco, voters passed the No Eviction Without Representation Act of 2018 (“Prop F”) on June 5, 2018. Prop F established that all residential tenants facing eviction have the right to full-scope legal defense. This ordinance went into effect on July 11, 2019. The resulting program, Tenant Right to Counsel (TRC), ensures that tenants receive comprehensive legal representation during eviction proceedings. This representation includes filing responsive pleadings, appearing in court on behalf of tenants, and providing legal advice. Prop F mandates that full-scope legal representation be available to a tenant thirty days after being served with an eviction notice or an unlawful detainer complaint. Legal representation must continue until the eviction notice or unlawful detainer complaint is withdrawn, the case is dismissed, or a judgment is entered.

In fiscal year 2022 to 2023, the program serviced 1,800 cases, with 84% being full-scope representation. Since 2019, more than 5,400 San Franciscans have avoided homelessness because of the TRC program. 92% of tenants who utilized the legal services remained housed, and 63% were able to stay in their original units.

### *San Francisco Intake Process*

- All tenants receiving a termination notice or unlawful detainer paperwork are eligible for full representation.

- Most clients are directed to the appropriate agency through the Eviction Defense Collaborative's (EDC) central intake system, ensuring the correct match based on client needs and agency capacity.
- Right to Counsel Coordinators conduct assessments and refer clients to one of nine agencies, including EDC's team, using Justice Server, a modified Salesforce program. Agencies receive referrals based on their specific criteria and must take on clients if they show capacity, unless there is a conflict of interest.
- If no external agency has capacity or the client's needs don't align, EDC assigns one of its own attorneys to the case. Currently, 20% of cases are handled by EDC, with this number expected to rise.
- In cases of limited capacity, EDC prioritizes clients based on vulnerability, offering full representation to those most in need and limited assistance to others.

The EDC is fully funded by the city, with a total budget of \$18,888,394, and a program service budget of \$17,638,270. According to Ora Prochovnick, the Director of Litigation, that budget accounts for 48 attorneys as well as support staff. The non-profit also has a Shelter Client Advocacy program and a rental assistance program, which are both included in the program services budget.

*San Francisco Stats for 2022-2023*

**Number of Evictions Served:**

- 1,800
- 72% because of alleged inability to pay.

**Type of Defense:**

- 84% full scope representation (1,512 tenants)
- 16% limited scope representation (288 tenants)

**Results:**

- 63% of tenants who received *full-scope representation* were able to remain in their unit.
- 30% who received *full-scope representation* moved out with a favorable settlement.
- 45% of those with *limited scope* were able to stay in their units.
- 46% with *limited scope* representation moved out with favorable settlement.

*Los Angeles City/County*

In Los Angeles County, the Stay Housed LA program was established to keep Los Angeles residents in their homes, similar to a program in San Francisco that serves individuals facing eviction. The program is a partnership between LA County's Department of Business and Consumer Affairs, the City of Los Angeles Housing Department, and Legal Aid Foundation Los Angeles. The county and the city individually set grant budgets for the Stay Housed LA program. The program's lead contractor is the Legal Aid Foundation of Los Angeles.

The county's current budget for this program is \$21 million. \$2.1 million is reserved for administrative costs, this includes indirect costs and staffing. Roughly \$13.4 million is reserved for legal costs. The remaining funds are for outreach, rental assistance, and facilities.

### *Los Angeles Process*

- Tenants initiate intake by calling Stay Housed LA's toll-free number, where their zip code is determined.
- Based on the zip code, tenants are assigned to the legal agency serving their region. Tenants in unincorporated areas of Los Angeles County or high-need zip codes are prioritized for full-scope representation. (Inner City Law Center services the Glendale area; Only the 91201 zip code in Glendale is given priority to receive services).
- To qualify for full-scope representation, tenants must meet income requirements and provide proof of an unlawful detainer notice or eviction court proceedings.

### *Los Angeles Stats for 2022-2023*

#### **Stay Housed L.A. (September 2020 – December 2023)**

##### **Number of Cases:**

- Total Cases Opened: 13,548
- Full Scope Cases: 3,427
- Limited Scope Cases: 10,121

#### **Housing Outcomes – 2020 to May 2022**

Out of 1,142 closed full scope cases:

- **Tenant Stayed in Home:** 474 (42%) tenants remained in their homes.
- **Soft Landing:** 361 (32%) tenants negotiated a soft landing to prevent homelessness, which can include extra time to move-out, waived back rent, moving expenses, and a sealed eviction record.
- **Unknown:** 171 (15%) of cases do not have a recorded outcome due to incomplete data from the early pandemic.

- **Other:** 117 (10%) of tenants received other assistance enforcing specific tenants rights.
- **Lost in Court:** 15 (1%) tenants lost their case.
- **Representation Ended:** 4 (<1%) cases ended representation.

Overall, 835 (73.12%) tenants had a positive outcome through staying in their home, receiving time and money to move, or reducing/eliminating their rental debt.

Total economic benefits to tenants include:

- **\$3,789,552 in short term economic benefits.** This includes court fee waivers, waived back rent, and relocation assistance.
- **\$1,962,676 in long term economic benefits.** This is savings to the tenant over three years due to not moving. Calculated as the difference between the tenant’s rent and the Fair Market Rent over 36 months, plus \$2,000 in relocation expenses.

### **Housing Outcomes – May 2022 to Present**

Out of 1,866 full scope cases:

- **Tenant Stayed in Home:** 925 (50%) tenants remained in their homes.
- **Moveout/Soft Landing:** 881 (47%) tenants negotiated a soft landing to prevent homelessness, which can include extra time to move-out, waived back rent, moving expenses, and a sealed eviction record.
  - Median extra time to move-out: 4.4 months
- **Representation Ended:** 25 (1.34%) Tenant lost contact or LSP subbed out.
- **Lost in Court:** 35 (1.8%)

Total economic benefits to tenants include:

- **\$17,253,278 in short term economic benefits.** This includes court fee waivers, waived back rent, and relocation assistance.
- **\$13,925,931 in long term economic benefits.** This is savings to the tenant over three years due to not moving. Calculated as the difference between the tenant’s rent and the Fair Market Rent over 36 months, plus \$2,000 in relocation expenses.

### **POTENTIAL PROGRAM MAKEUP FOR GLENDALE**

If Council intends to establish a similar eviction defense program in Glendale, several factors must be considered. These include determining the income levels of individuals eligible for assistance, establishing funding, and deciding whether to partner with existing organizations or

provide direct funding to tenants. Each of these elements will play a role in shaping the program's effectiveness and scope.

*Who receives services? - Income Levels*

A program to support low-income residents would require first to determine the level of income to service. When establishing eligibility based on income, staff recommends adhering to the Income Limits established by the Department of Housing and Urban Development (HUD). These limits categorize households into Low Income, Very Low Income, and Extremely Low Income brackets. The Council has the discretion to select one or all income categories for assistance. The table below provides clarity on these income thresholds:

<b>Persons in Family</b>	<b>Extremely Low Income Limits (\$)</b>	<b>Very Low (50%) Income Limits (\$)</b>	<b>Low (80%) Income Limits (\$)</b>
1	29,150	48,550	77,700
2	33,300	55,450	88,800
3	37,450	62,400	99,900
4	41,600	69,350	110,950
5	44,950	74,900	119,850
6	48,300	80,450	128,750
7	51,600	86,000	137,600
8	54,950	91,550	146,500

*Who receives services? - Zip Code*

Council could strategically prioritize specific zip codes within Glendale to receive legal aid services ahead of others, based on an assessment of eviction risk levels. For instance, zip codes identified as high-risk eviction zones—those exhibiting higher rates of eviction filings or where tenants are particularly vulnerable due to socioeconomic factors—could be designated as priority areas for the rollout of legal aid services. This targeted approach ensures that resources are allocated efficiently, and that support is extended first to the areas where it can have the most immediate impact on preventing unjust evictions.

*Who receives services? – Eviction Type*

In implementing the right to counsel program, Council can prioritize certain types of evictions for legal aid, addressing those with the most pressing needs first. For example, the Council could prioritize legal assistance for evictions due to non-payment of rent, over less common nuisance evictions. On the other hand, Council may also consider excluding some types of evictions from the program, such as evictions due to breaches of lease terms. However, any exclusion should be approached with caution. Evictions for breaches of lease can sometimes be

based on unjust or misapplied accusations, such as questionable claims of lease violations. Without careful evaluation, exclusions could inadvertently deny assistance to tenants facing unfair evictions.

As an alternative, Council could allow staff to thoroughly vet these cases for legitimacy before deciding to refer them for review or extend legal aid to the tenant. This dual approach ensures a balanced allocation of resources while safeguarding against overlooking unjust evictions.

#### *How many households should be assisted?*

Another area which requires Council input is the scope of assistance. Given that the number of annual Unlawful Detainers filed in Glendale could approach or exceed 700, providing legal aid to every affected tenant might not be financially feasible. According to Ora Prochovnick the Director of Litigation for EDC, the average per cost case is about \$6,300. That means the Glendale program has the potential for costing roughly \$4,410,00 for a full-service program.

To manage resources effectively, the Council could consider setting a cap on the number of cases the program handles annually, such as limiting assistance to the first 100 eviction cases each year. This could mean a budget of potentially \$630,000 annually.

Additionally, Council could consider mechanisms for reviewing and possibly adjusting the cap annually based on budget availability and program effectiveness, ensuring that the most critical needs are met without exceeding financial capabilities.

#### *When would tenant qualify? Eviction vs Unlawful Detainer*

Council must also decide at what stage of the eviction process assistance should be provided. One option is to initiate assistance when a tenant receives a notice of eviction. Under this approach, once a tenant receives an eviction and contacts legal aid, staff can assist the tenant in navigating the eviction notice, potentially preventing the escalation to an unlawful detainer proceeding. This proactive strategy aims to address eviction challenges early, providing tenants with timely legal advice and support to mitigate the risk of displacement.

Alternatively, Council could opt to provide assistance only when the tenant receives a notice of unlawful detainer from the court. In this scenario, the agency would intervene after the landlord has initiated formal legal proceedings through an unlawful detainer. While this approach may streamline resource allocation by focusing assistance on cases that have progressed to a critical stage, delaying involvement until after the issuance of an unlawful detainer could result in situations where tenants face legal decisions that might have been preventable with early intervention. Early legal representation could potentially mitigate issues before they escalate to court proceedings.

#### *Who will administer the program? Partnering with Outside Organizations*

One approach to implementing a Legal Aid and Representation Program is to partner with established legal aid agencies. This involves identifying and collaborating with local or regional, organizations that specialize in tenant representation, such as Armenian Bar Association, Bet Tzedek, or Neighborhood Legal Services of Los Angeles County (NLSLA).

The agencies would operate on referrals from the City and could be funded to provide varying levels of legal aid services as directed by Council. These options include:

**1. Case Review and Recommendations (Basic Legal Advice):**

- Agencies would review tenant cases and provide legal advice and recommendations based on the circumstances.
- This would involve providing advice; tenants would be responsible for taking necessary actions.

**2. Drafting Letters on Behalf of Tenants (Limited Legal Representation):**

- Legal aid agencies could assist tenants by drafting official correspondence, such as letters to landlords or responses to legal notices.

**3. Representation in Court (Full Legal Representation)**

- Full legal representation in court proceedings related to eviction cases, advocating for tenants' rights and interests.
- This would involve full representation, where the attorney acts as the tenant's legal representative.

Each option presents distinct advantages and challenges that Council must consider.

**Basic Legal Advice:** The case review and recommendation option offer a cost-effective initial step in providing legal aid services to low-income tenants. This option allows agencies to assess tenant cases, offer legal advice, and recommend potential courses of action. However, while this service educates tenants about their rights and options, it requires tenants to take subsequent actions on their own, which could leave them at a disadvantage if they lack resources or legal knowledge to navigate complex eviction proceedings effectively.

**Limited Legal Representation:** Drafting letters on behalf of tenants represents a step further in tenant representation. By preparing official correspondence to landlords or responding to legal notices, this service helps tenants assert their rights formally and may encourage landlords to address issues without escalating to court. It is a relatively cost-effective measure compared to full representation in court, making it accessible for broader implementation. However, the effectiveness of drafted letters may be limited if



disputes proceed to court, where legal complexities often require more substantial representation and advocacy.

**Full Legal Representation:** Full representation in court provides the most robust support for tenants facing eviction. This option ensures dedicated legal advocacy throughout court proceedings, maximizing tenants' chances of achieving fair outcomes and defending their housing rights effectively. Despite its effectiveness, full court representation comes with higher costs, including attorney fees and administrative expenses, and does not guarantee a favorable outcome in every case due to judicial discretion and case-specific factors.

### Process for Partnering with Outside Organizations

The process for partnering with an outside agency would begin with identifying potential agencies, possibly through a request for proposals (RFP). Criteria for selecting agencies may include expertise in landlord-tenant law, experience with eviction cases, commitment to providing pro bono or reduced-cost legal services, and the capacity to handle a specified caseload. Staff would recommend that agencies have local offices or satellite offices in Glendale, ensuring proximity and accessibility for tenants in need of legal assistance.

Once an organization has been selected, City of Glendale and the partner organizations negotiate and formalize a partnership agreement. The agreement would outline the scope of services, roles and responsibilities, expectations, and terms of collaboration. Key considerations include the types of cases to be handled, service delivery standards, confidentiality protocols, and reporting requirements.

### Referral Mechanisms

The bulk of the work with the outside agency would be based on referrals from Rental Rights staff, following clear referral processes established in accordance with council recommendations. Staff would evaluate each case to determine if escalation to the outside agency is necessary, considering eligibility criteria such as income levels, residency status, and the nature of the eviction case (e.g., renovation, lease violations), ensuring resources are prioritized for those in greatest need.

Once the outside organization receives a referral, they conduct an intake assessment by gathering relevant information on the tenant's legal issues, reviewing notices and documents, and assessing the case's merits. Depending on the program's structure established by Council, the outside agency would then take appropriate action, whether providing advice, drafting letters, or initiating strategies for representation. The organization may also provide initial advice or letter drafting before deciding on further escalation, on a case-by-case basis.

The outside organization is required to maintain accurate records of active cases and regularly assess outcomes such as case resolutions, tenant housing retention, and client satisfaction. This ongoing evaluation helps identify trends, challenges, and successes in eviction defense efforts.

Glendale will monitor the partner organization's performance and evaluate outcomes, assessing the quality of legal services provided, adherence to partnership agreements, and compliance with ethical standards and legal regulations.

#### *Who will administer the program? Attorney Fee Coverage*

Another option for a Legal Aid and Representation program could involve providing direct financial assistance to tenants to cover attorney fees. This approach would establish a funding mechanism dedicated to covering legal representation costs, thereby ensuring that low-income tenants receive necessary legal support without financial burden.

Once Council defines clear eligibility criteria based on income levels, residency within Glendale, and the nature of evictions, staff would develop an application process. This process would include documentation requirements such as proof of income, tenancy, and eviction notices, along with a standardized vetting process to verify eligibility and prioritize cases based on urgency and complexity.

The financial assistance could be disbursed directly to the tenant or their attorney to cover legal costs. This option provides immediate financial relief to tenants, enabling them to secure legal representation swiftly and effectively navigate eviction proceedings. It also ensures equitable access to legal aid, potentially reducing disparities in outcomes for low-income tenants.

However, there are significant concerns with this approach. There is a risk of potential abuse by unscrupulous tenants, landlords, or attorneys, who may misrepresent income levels or exploit the financial assistance system. This could pose challenges for staff in verifying the truthfulness of applications and monitoring the quality of legal representation provided. Additionally, managing data and tracking case progress could be complicated, especially when multiple attorneys are involved.

Given these complexities and risks, staff would not recommend pursuing this option without robust safeguards and oversight mechanisms in place to ensure transparency, accountability, and the fair distribution of financial assistance.

#### **Budget Considerations**

The estimated budget for the program ranges from \$100,000 to \$650,000 annually. Depending on the scope and level of involvement, as well as the number of cases handled, these numbers could fluctuate. The Council could set a limit on the amount of funding or the number of participants served, which could help manage and potentially lower the impact on the budget.

BUDGET FOR PARTNERING WITH OUTSIDE ORGANIZATIONS – BASED ON 100 CASES A YEAR

**Basic Legal Advice:**

- Legal Advisors: 1 legal advisor/attorney to provide case review and basic legal advice (\$100,000 annually). Part-time administrative support assistant (\$42,000).
- Administrative Support: 1 Housing Associate to handle coordination and documentation: \$109,000 Fully Burdened.
- Estimated Operational costs, outreach costs, supplies: \$85,000 annually.
  - Outreach - \$50,000
  - Admin/Supplies - \$35,000
- Total Estimated Cost: \$336,000 annually.

**Limited Legal Representation:**

- Legal Advisors: 1.5 legal advisor/attorney to provide case review and basic legal advice, (\$150,000 annually). Part-time administrative support, (\$42,000): \$192,000 annually.
- Administrative Support: 1 Housing Associate to handle coordination and documentation: \$109,000 Fully Burdened.
- Estimated Operational costs, outreach costs, supplies: \$85,000 annually.
  - Outreach - \$50,000
  - Admin/Supplies - \$35,000
- Total Estimated Cost: \$386,000 annually.

**Full Legal Representation:**

- Legal Advisors: 3 legal advisor/attorney to provide case review and basic legal advice: \$300,000). 1 administrative support assistant (\$84,000): \$384,000 annually
- Administrative Support: 1 Housing Analyst (\$109,000 Fully Burdened) and 1 Housing Assistant (\$92,000 Fully Burdened) to handle coordination and documentation: 201,000 annually.
- Estimated Operational costs, outreach costs, supplies: \$85,000 annually.
  - Outreach - \$50,000
  - Admin/Supplies - \$35,000
- Total Estimated Cost: \$670,000 annually.

DIRECT FUNDING FOR LEGAL REPRESENTATION - BASED ON 100 CASES A YEAR

**Fixed financial Assistant**

- Total Assistance Costs - \$6300 per household: \$630,000 -

- Administrative Support: 1 Housing Analyst (\$109,000 Fully Burdened) and 1 Housing Assistant (\$92,000 Fully Burdened) to handle coordination and documentation: 201,000 annually.
- Estimated Operational costs, outreach costs, supplies: \$85,000 annually.
  - Outreach - \$50,000
  - Admin/Supplies - \$35,000
- **Total Annual Budget: \$916,000**

The budget outlined here provides a rough estimation based on hypothetical numbers. The actual figures would depend on various factors including the number of tenants in need or number of tenants Council chooses to assist, and the extent of financial support and need for additional staffing and marketing.

An important aspect to consider is the Request for Proposals (RFP) process, through which different agencies may submit proposals to manage or deliver the services required by the program. Each agency may offer different pricing structures, scope of services, and budget requirements based on their operational models and expertise.

### **Conclusion**

As evidenced by the data and examples from San Francisco and Los Angeles, the presence of legal aid significantly enhances tenants abilities to secure favorable outcomes in eviction proceedings, thereby reducing homelessness and maintaining community stability.

By partnering with established legal aid agencies or potentially providing direct financial assistance for legal representation, the City can offer a structured, effective response to the challenges faced by low-income tenants.

Council's decisions on the scope of assistance, eligibility criteria, and administrative mechanisms will be crucial in tailoring the program to meet local needs while ensuring fiscal responsibility.