



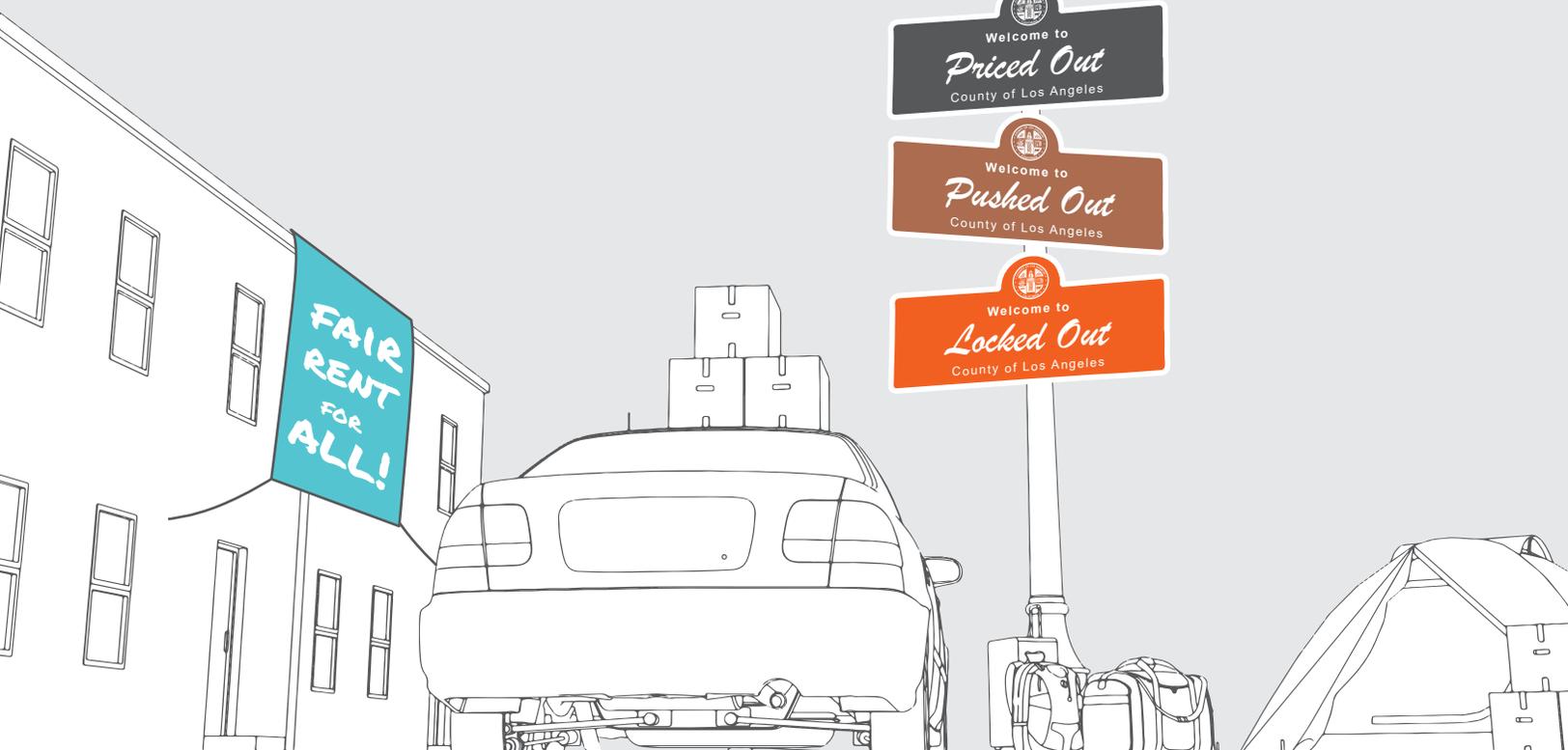
**HOW PERMANENT
TENANT PROTECTIONS
CAN HELP
COMMUNITIES PREVENT
HOMELESSNESS AND
RESIST DISPLACEMENT
IN LOS ANGELES COUNTY**

Public Counsel and the UCLA School of Law
Community Economic Development Clinic
On behalf of Eastside LEADS
and in collaboration with the
Unincorporated Tenants United Coalition
JUNE 2019



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Contents

4	Primary Authors
5	Acknowledgements
6	Methodology
8	Executive Summary
16	I. Los Angeles County's Housing Crisis
34	II. Rent Control is an Essential Part of the Solution
44	III. Policy Recommendations
60	IV. Conclusion
62	V. Appendix
	Unincorporated Los Angeles County Infographic Pullout
	Supervisorial District 1 Infographic Pullout
	Supervisorial District 2 Infographic Pullout
	Supervisorial District 3 Infographic Pullout
	Supervisorial District 4 Infographic Pullout
	Supervisorial District 5 Infographic Pullout
	Endnotes

Authors

Public Counsel is the nation's largest not-for-profit law firm of its kind with a 40-year track record of fighting for the rights of children and youth, persecuted immigrants, military veterans, nonprofit organizations, and small businesses. Its **Community Development Project** builds foundations for healthy, vibrant, economically stable communities by providing legal and capacity building services to community-based organizations and small businesses in the Los Angeles area. We support community led advocacy groups and community based organizations in their efforts to advance racial and economic justice and build power in low-income communities and communities of color on campaigns related to the creation and preservation of affordable housing, protecting tenants, quality employment opportunities, inclusive entrepreneurship, childcare, access to open space, and ending the criminalization of poverty.

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The **Community Economic Development (CED) Clinic** at the **UCLA School of Law** provides transactional and policy-oriented legal support to community-based organizations throughout Los Angeles working to ensure affordable housing and living wage jobs for all. For over 15 years, the CED clinic has represented groups building community-controlled economic institutions and promoting empowerment through the meaningful participation of communities in development and planning decisions that fundamentally affect their lives.

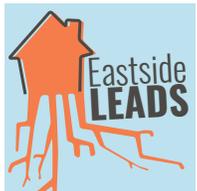


UCLA | SCHOOL OF LAW

Primary Authors:

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On behalf and in collaboration with



Disclaimer:

This document is not all-inclusive and is not intended to provide any individual or entity with specific legal advice. For more detailed information, readers are encouraged to obtain legal advice from their own legal counsel or contact Public Counsel's Community Development Project intake line at (213) 385-2977 ext. 200.

Acknowledgements

This report represents the collective work of the Eastside Leadership for Equitable and Accountable Development Strategies (Eastside LEADS) coalition, the Unincorporated Tenants United (UTU) coalition, the Community Economic Development Clinic at UCLA School of Law, Public Counsel, and other community organizations working throughout Los Angeles County.

Eastside LEADS is a coalition of community-based organizations and residents on the eastside of Los Angeles organized around protecting residents from displacement and ensuring that new investment benefits low-income residents and is accountable to their needs and priorities. Eastside LEADS draws from the advocacy and experience of its member organizations who have been working together for many years under the Boyle Heights Building Healthy Communities initiative funded by the California Endowment. Without the input and support of Eastside LEADS, and the support of the California Endowment, this report would not be possible.

The report was also made possible by UTU. UTU is a broad coalition of grassroots activists, legal advocates, and community organizations fighting for tenant protections in unincorporated Los Angeles. The UTU coalition's member organizations have witnessed the striking difference between tenants living in rent-stabilized cities and those in unincorporated communities and are working together to eliminate unfair housing practices that destabilize families and communities, including unreasonable rent increases, severe habitability issues and unfair eviction practices. This dedicated group of advocates has kept the issue of tenant protections front and center for almost two years. The coalition includes: Los Angeles Center for Community Law and Action (LACCLA), Alliance of Californians for Community Empowerment (ACCE), Strategic Actions for a Just Economy (SAJE), LA VOICE, Public Counsel, Eastside LEADS, East Yard Communities for Environmental Justice (EYCEJ), Anti-Eviction Mapping Project (AEMP), Glendale Tenants Union (GTU), Housing Long Beach, Inner City Struggle (ICS), Inquilinos Unidos, Long Beach ICO, Los Angeles Tenants Union (LATU), Pasadena Tenants Union (PTU), Pomona United for Stable Housing (PUSH), Pomona Economic Opportunity Center (PEOC) and Uplift Inglewood. Supported by the Liberty Hill Foundation.

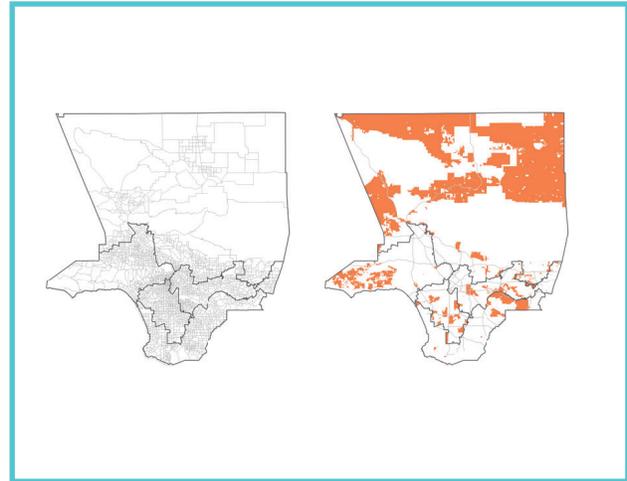
The UCLA School of Law Community Economic Development (CED) Clinic partnered with Public Counsel's Community Development Project (CDP) to produce this report. Under the direction of Professor Scott Cummings and Lecturer in Law Doug Smith, CED Clinic students Tate Harshbarger, Brenda Martin Moya and Cara McGraw conducted extensive research and data analysis, interviewed over a dozen tenants, and collaborated with Public Counsel attorneys Greg Bonett and Katie McKeon to author this report. Omar Ureta created the report's illustrations and was responsible for graphic design and layout.

This report also would not have been possible without the following Los Angeles County residents who graciously agreed to be interviewed and have their personal stories included in this report: Emari Basto, Blanca Dueñas, Jesus Flores, Maria León, Jose Nuñez, Alicia Ortiz, Jesus Palacios, Joyce Williams Pickens, Beverly Roberts, and Mayra Simmons. Special thanks to Pamela Agustin-Anguiano for providing interpretation as needed during the interviews and to Jennifer Maldonado and Dagan Bayliss for help arranging interviews.

A special thank you to Henry Kim of the Empirical Research Group of the UCLA School of Law, for conducting the data analysis reflected in the report, and to Kyle Nelson, UCLA PhD candidate in Sociology, for contributing data analysis on evictions occurring throughout the County.

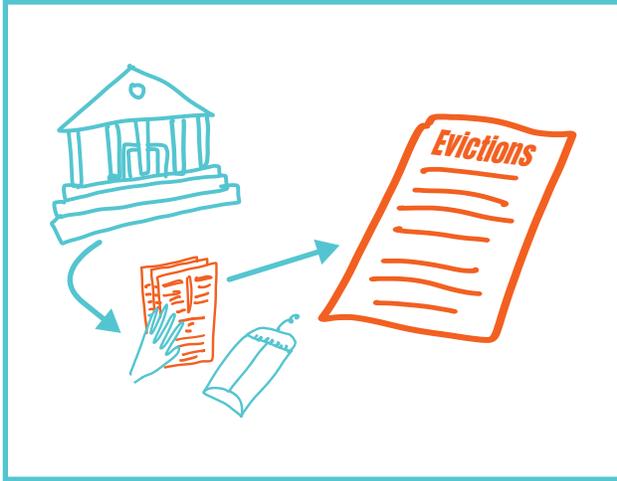
Finally, a big thank you to the Liberty Hill Foundation for making the printing, design, and publication of this report possible.

Research Methodology



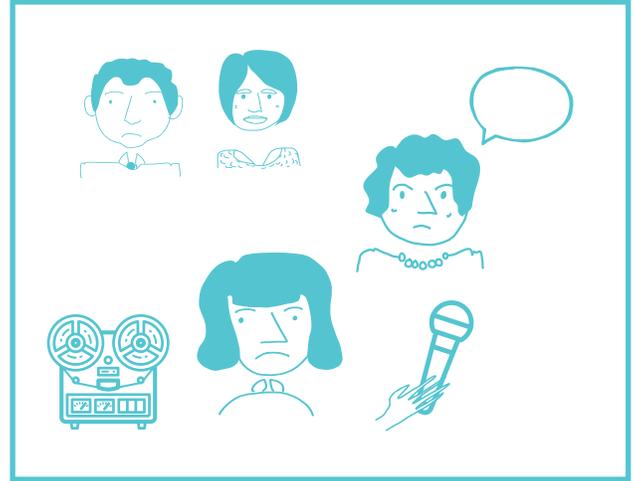
Identifying Census Tracts in Unincorporated Los Angeles County

The report provides original data analysis of the demographics and economic conditions of tenant households in unincorporated Los Angeles County performed by Henry Kim of the Empirical Research Group at UCLA School of Law. Unless otherwise noted, the underlying data is from the American Community Survey (ACS), conducted by the U.S. Census Bureau. We used the 5-year estimates from the ACS for the years 2010 through 2017, the most recent data available.¹ Reported changes in unincorporated county-wide estimates from 2010-2017 are significant at the $p < 0.1$ level. Estimates for geographic subdivisions are reported but may not be statistically significant due to smaller sample size.



Obtaining Eviction Data

The ACS includes data for each U.S. Census tract, many of which are not contiguous with city boundaries in Los Angeles County. In order to estimate demographic and rental data within unincorporated Los Angeles County, we first identified all Census tracts covering unincorporated Los Angeles County. For those tracts that included multiple jurisdictions, i.e. a tract that included areas of both unincorporated Los Angeles County and the City of Los Angeles, we estimated the proportion of the area within that Census tract occupying unincorporated territory. Where Supervisorial Districts share a Census tract, we count only the unincorporated portions within each Supervisorial District. We then aggregated the Census tracts to create estimates for the entirety of unincorporated Los Angeles County and for each of the five Supervisorial Districts, weighting each tract by the proportion of the area within the relevant jurisdiction.



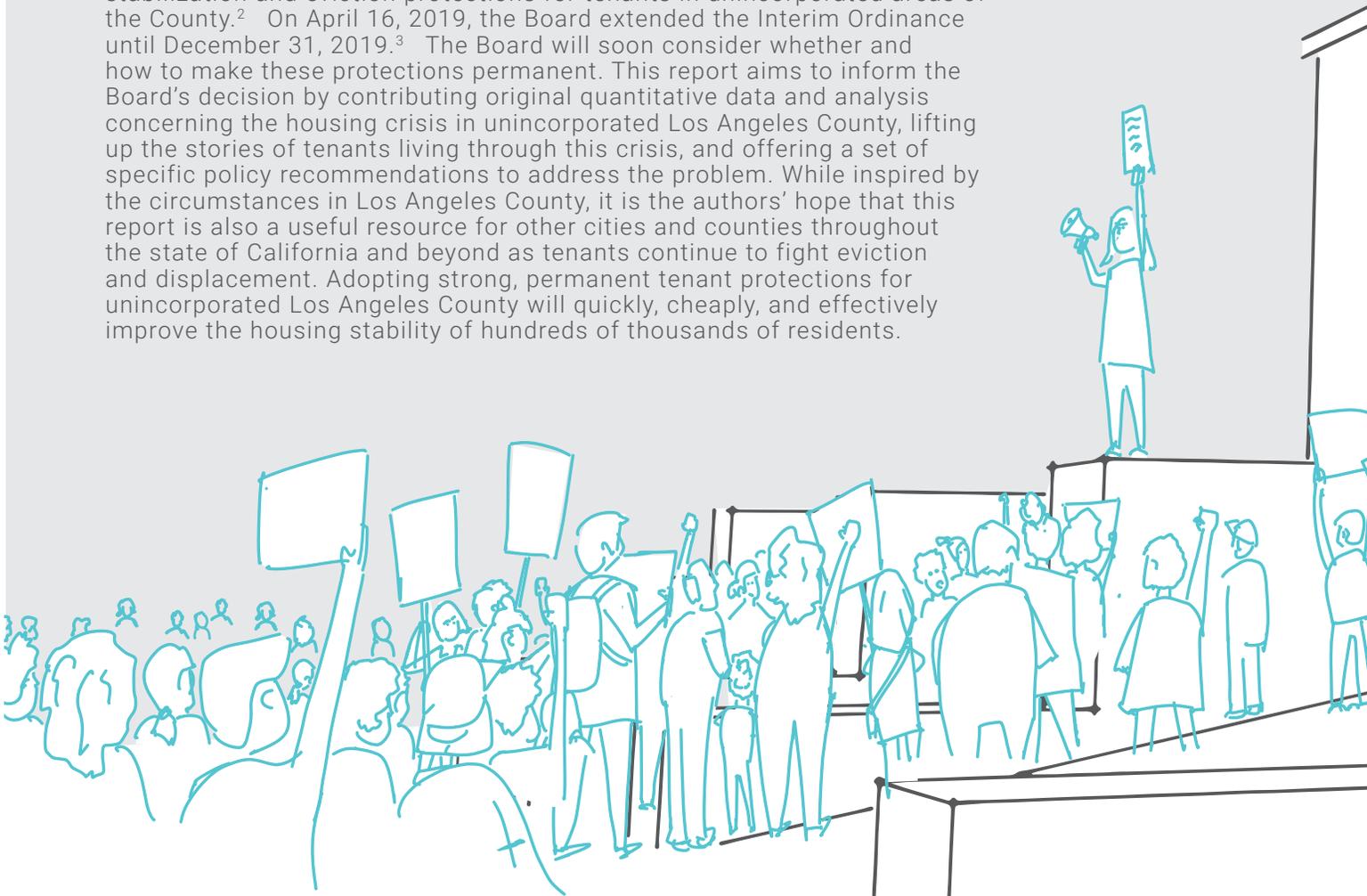
Interviewing Tenants

This report also provides new data on the number of evictions in Los Angeles County. The data was collected from the Los Angeles Superior Court and analyzed by Kyle Nelson, UCLA PhD Candidate in Sociology.

All interviews were conducted by Tate Harshbarger, Cara McGraw and/or Brenda Martin Moya, as part of the CED Clinic at UCLA School of Law. Tenants and landlords were identified by local community organizations, including Eastside LEADS, Strategic Actions for a Just Economy (SAJE), and InnerCity Struggle. All interviews, except one, were recorded. We informed all subjects that they were under no obligation to participate in the interviews and could revoke consent at any time. All participants gave written or oral consent to use their stories and/or photographs in this report.

Executive Summary

For decades, hundreds of thousands of tenants in unincorporated Los Angeles County had virtually no protection against exorbitant rent increases or unfair evictions, fundamentally undermining their housing stability. This is beginning to change. On November 20, 2018, the Los Angeles County Board of Supervisors passed an Interim Ordinance instituting rent stabilization and eviction protections for tenants in unincorporated areas of the County.² On April 16, 2019, the Board extended the Interim Ordinance until December 31, 2019.³ The Board will soon consider whether and how to make these protections permanent. This report aims to inform the Board's decision by contributing original quantitative data and analysis concerning the housing crisis in unincorporated Los Angeles County, lifting up the stories of tenants living through this crisis, and offering a set of specific policy recommendations to address the problem. While inspired by the circumstances in Los Angeles County, it is the authors' hope that this report is also a useful resource for other cities and counties throughout the state of California and beyond as tenants continue to fight eviction and displacement. Adopting strong, permanent tenant protections for unincorporated Los Angeles County will quickly, cheaply, and effectively improve the housing stability of hundreds of thousands of residents.







Tenants in Unincorporated Los Angeles County will enjoy improved housing stability with comprehensive tenant protection policies

With 10.2 million residents, Los Angeles County is the most populous county in the United States.⁴ Over 1 million people live in unincorporated areas of Los Angeles County. If these areas comprised a single city, it would be the third largest city in California, behind only Los Angeles and San Diego.⁵ There are over 400,000 tenants in unincorporated Los Angeles County. These tenants face skyrocketing housing costs and market conditions that threaten the stability of their communities. With the 2019 Greater Los Angeles Homeless Count estimating that there are 58,936 County residents already experiencing homelessness on any given night, it is imperative that the County act now to protect tenants and prevent more families from falling into homelessness.⁶

Our analysis of census data reveals that tenants living in unincorporated Los Angeles County are disproportionately low-income and people of color. Census data also shows that most tenants in unincorporated Los Angeles County are “rent burdened,” meaning they pay more than 30% of their income to rent.⁷ Nearly one-third are “severely rent burdened,” paying more than half their income to rent. These rates are among the highest in the nation.⁸ Women, low-income people, and people of color have even higher rates of rent burden and severe rent burden. And since 2010, there have been more than half a million eviction lawsuits, also known as “Unlawful Detainer” lawsuits, filed in Los Angeles County, more than any other county in the state. These numbers do not include the countless instances where tenants are displaced without



Rent Burden and Severe Rent Burden in Unincorporated Los Angeles County

court involvement due to landlord harassment, uninhabitable rental units, or untenable rent increases. In fact, 53% of people experiencing first-time homelessness cited “economic hardship” as a leading factor.

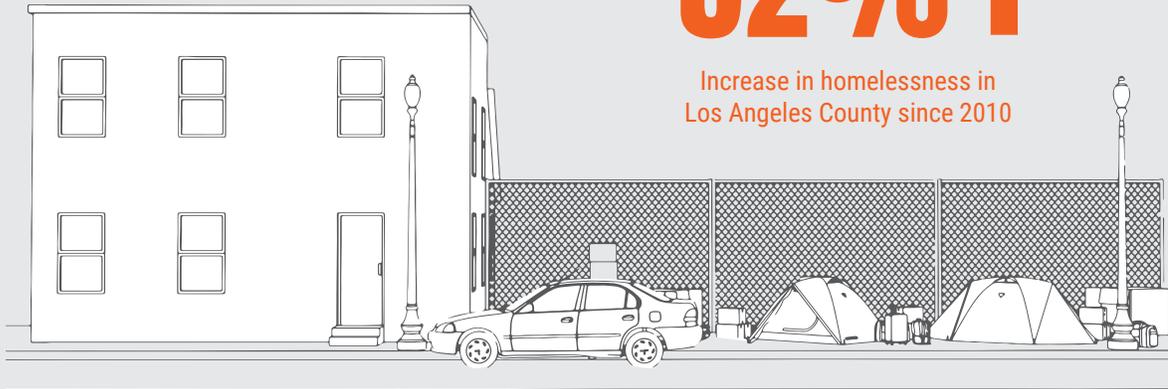
The negative effects of housing insecurity caused by rent burden, unchecked rent increases, and evictions are well documented. For tenants that are rent burdened or severely rent burdened, simply keeping a roof over their head can mean sacrificing other necessities like food, clothing, transportation, and medical care.⁹ For tenants that are evicted, it can result in the loss of jobs, schools, and other community assets. These sacrifices can cause and exacerbate a host of mental and physical ailments, including anxiety, depression, substance abuse, poor educational attainment, and even suicide. These ailments are made even worse when a tenant becomes homeless, often as a result of an exorbitant rent increase or a no-cause eviction. A 2017 study found that in Los Angeles County, just a 5% rent increase would push an additional 2,000 residents into homelessness.¹⁰ The homeless count for Los Angeles County has skyrocketed in the past decade, increasing 52% since 2010, including a 12% increase in the past year alone. Our interviews with individual unincorporated Los Angeles County residents illustrate the personal toll that residents face in this housing crisis. Some of these residents have already experienced homelessness, evictions, and large rent increases – the others consistently worry that the next month will bring an eviction notice or an unaffordable rent increase. Some

505,924

Court evictions filed in
Los Angeles County since 2010

52% ↑

Increase in homelessness in
Los Angeles County since 2010



have had to quit school or be separated from their family in order to keep a roof over their head.

In the face of this crisis, there has been a resurgence of tenant activism across Los Angeles County. Many cities have seen movements calling for stronger tenant protection policies, including rent stabilization and just cause eviction protections. For several of the largest cities in the metropolitan areas of the state, these types of tenant protections were implemented in the 1970s and 1980s in response to tenant advocacy. As a result, policies such as rent stabilization have been legally tested and upheld by courts and have proven to be an effective policy tool that can be quickly implemented to protect a large swath of residents with little public expense.

Eastside LEADS, a coalition of community-based organizations and residents from the eastside of Los Angeles, has supported the Board of Supervisors' progress towards implementing permanent tenant protection policies for unincorporated Los Angeles County. Working with Unincorporated Tenants United, a countywide coalition of tenant advocates, residents and community groups, and the UCLA School of Law's Community Economic Development Clinic, Eastside LEADS developed a set of recommendations for the County Board of Supervisors to consider as it

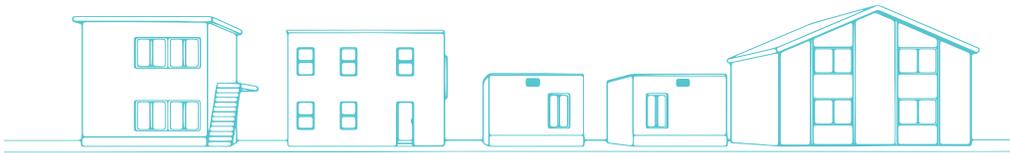
takes the next step towards protecting County residents. These recommendations are also influenced by, and at times closely track, the policies recommended by the County Tenant Protections Working Group, a group of experts convened by the Los Angeles County Board of Supervisors during the first half of 2018.

The recommendations of Eastside LEADS and Unincorporated Tenants United are as follows:

Recommended Tenant Protections for Unincorporated Los Angeles County

Adopt a permanent rent stabilization ordinance.

- Limit annual rent increases to the change in the Consumer Price Index to track inflation, with a floor of 0% and a ceiling of 5%
- Create a Rent Board to implement the ordinance and announce annual allowable rent increases
- The Rent Board should consist of nine members representative of the County's residents along the lines of gender, race, immigration status, income, and spoken language
- Do not allow landlords to "bank" unused rent increases for future years
- Create a process that allows landlords to pass partial costs of capital improvements to tenants



Adopt a permanent just cause eviction ordinance.

- Limit allowable evictions to the six grounds listed in the County's Interim Ordinance
- Provide relocation assistance to tenants evicted on "no-fault" grounds
- Ensure that tenants living in a unit that is foreclosed on or has a change of ownership are still protected under just cause eviction protections
- Prevent no-fault evictions for households that have a school age child until that child is on a school break
- Allow tenants evicted through the Ellis Act a "right to return" if their unit is re-rented and minimize loss of rent stabilized units to the full extent allowed under state law



Finance the administration of these tenant protection policies with a modest fee paid by landlords. Consider partially subsidizing these costs with an expenditure from the County general fund.

Explore all possible options for protecting tenants in single family homes and other units ineligible for rent stabilization, including an economic displacement assistance policy, which would allow tenants to request relocation assistance instead of accepting a significant rent increase.



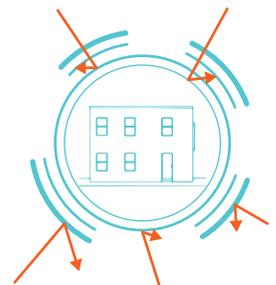
Create Know Your Rights materials in the languages commonly spoken by tenants and require landlords to provide these materials at lease-up, when issuing a rent increase, and if issuing a notice of eviction.



Regulate and track tenant buyout agreements to ensure tenants are aware of their rights prior to leaving their rental unit and can negotiate fairly with their landlord.

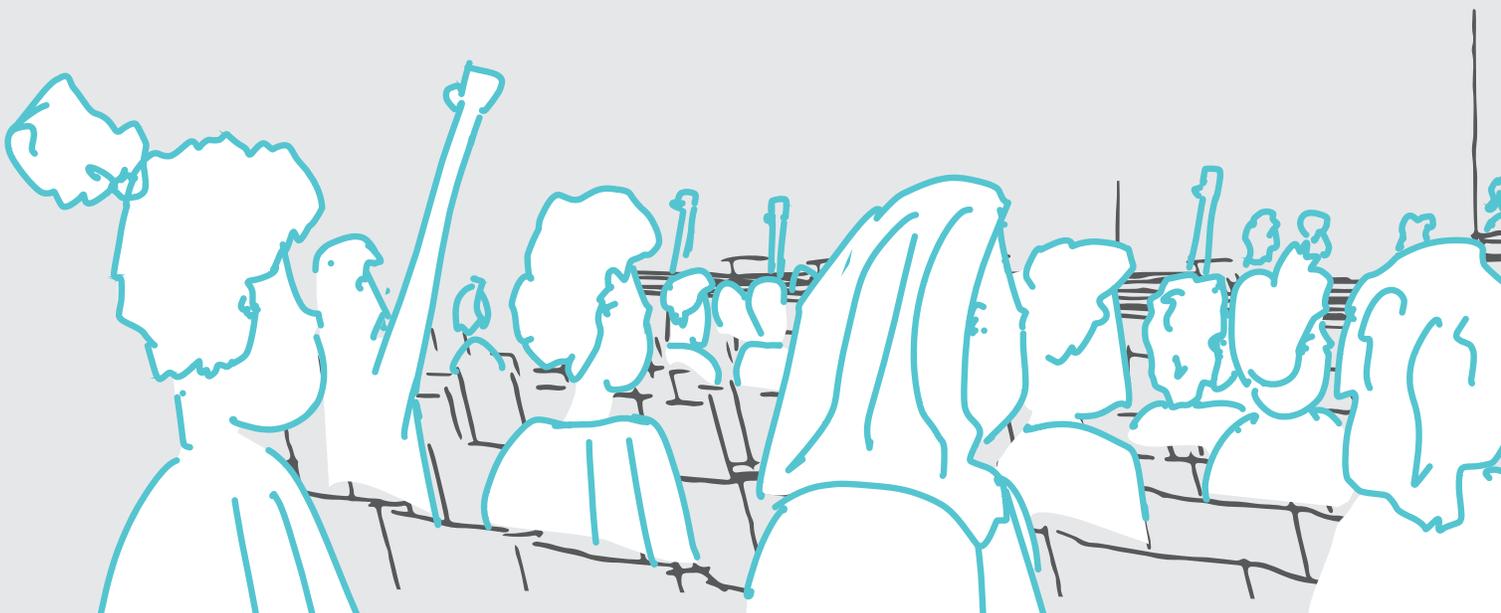
Enact complementary tenant protection policies that will strengthen the rent stabilization and just cause eviction ordinances.

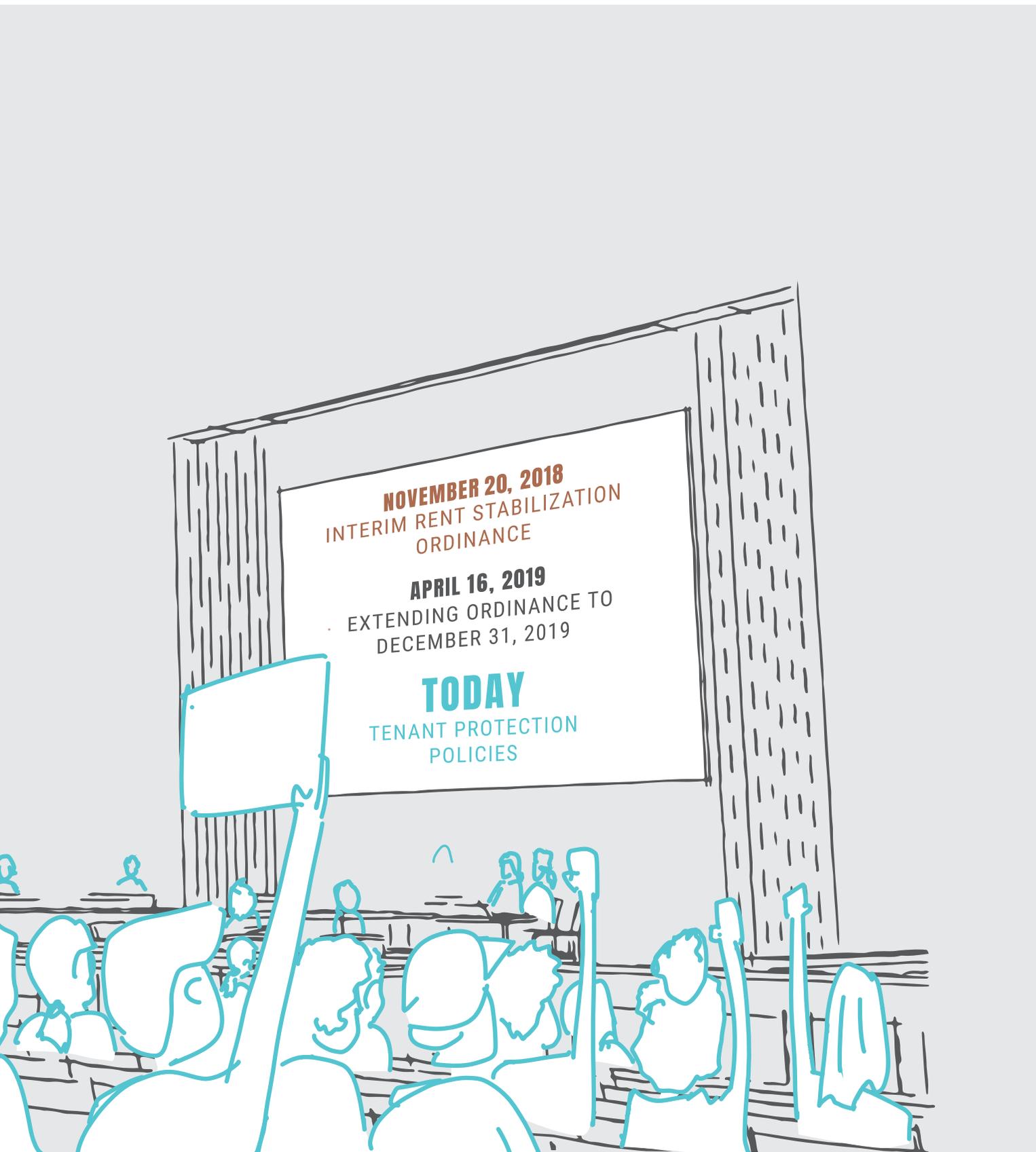
- Fund a robust, proactive code enforcement program to address habitability issues
- Fund assistance programs for low-income landlords to make necessary repairs
- Guarantee a funded right to counsel for tenants, including pre-eviction services and rental assistance to tenants at risk of eviction
- Support tenant and landlord outreach and education programs
- Regulate condominium conversions and demolitions in order to close loopholes that allow the removal of rental housing from the market



Support state bills that promote tenant protections across the state, including the right to counsel, anti-rent gouging, Costa Hawkins and Ellis Act reform, just cause eviction protections, and the right to organize tenant associations without fear of retaliation.

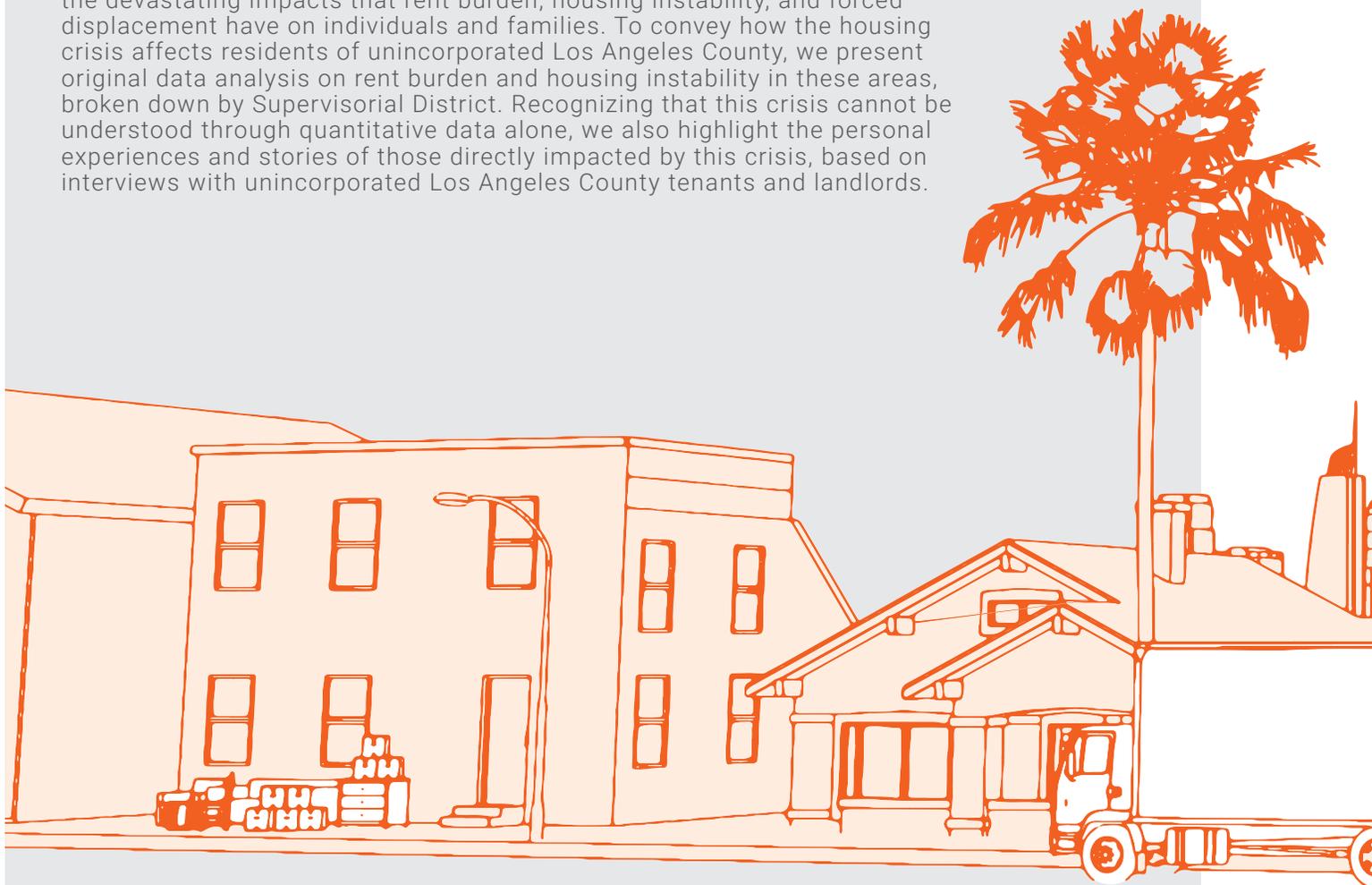
This report contributes important new data on the breadth and scale of housing instability in unincorporated Los Angeles County, elevates the stories and voices of those most impacted by this crisis, demystifies the legal and policy mechanics of rent control policies, and presents community-centered and data-driven policy recommendations. We hope this report informs dialogue around the adoption of a permanent rent stabilization ordinance and complementary tenant protection policies for unincorporated Los Angeles County. We also hope to see the Board of Supervisors support local jurisdictions in passing stronger tenant protection policies and support state legislation that would promote stronger tenant rights throughout the state.





I. Los Angeles County's Housing Crisis

From 1986 to 2018, over one million residents of unincorporated Los Angeles County, scattered throughout the five Supervisorial Districts, have weathered the housing crises without any real tenant protections at the state or local level. The following section provides a brief overview of the devastating impacts that rent burden, housing instability, and forced displacement have on individuals and families. To convey how the housing crisis affects residents of unincorporated Los Angeles County, we present original data analysis on rent burden and housing instability in these areas, broken down by Supervisorial District. Recognizing that this crisis cannot be understood through quantitative data alone, we also highlight the personal experiences and stories of those directly impacted by this crisis, based on interviews with unincorporated Los Angeles County tenants and landlords.

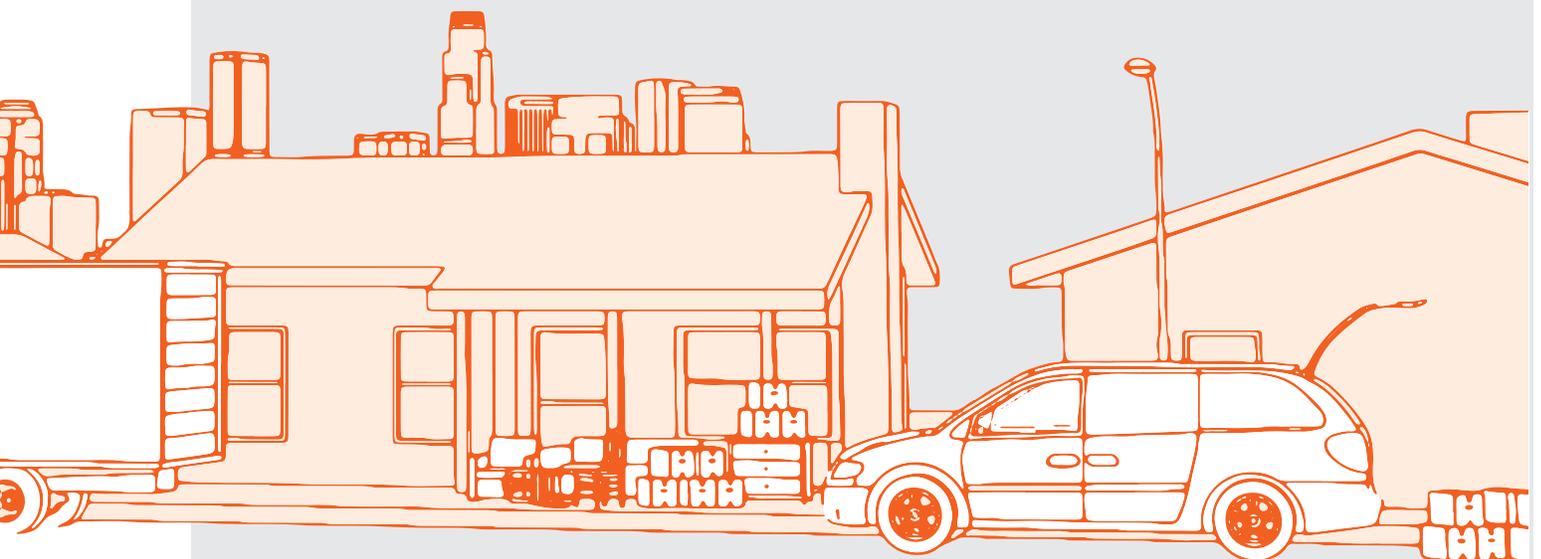


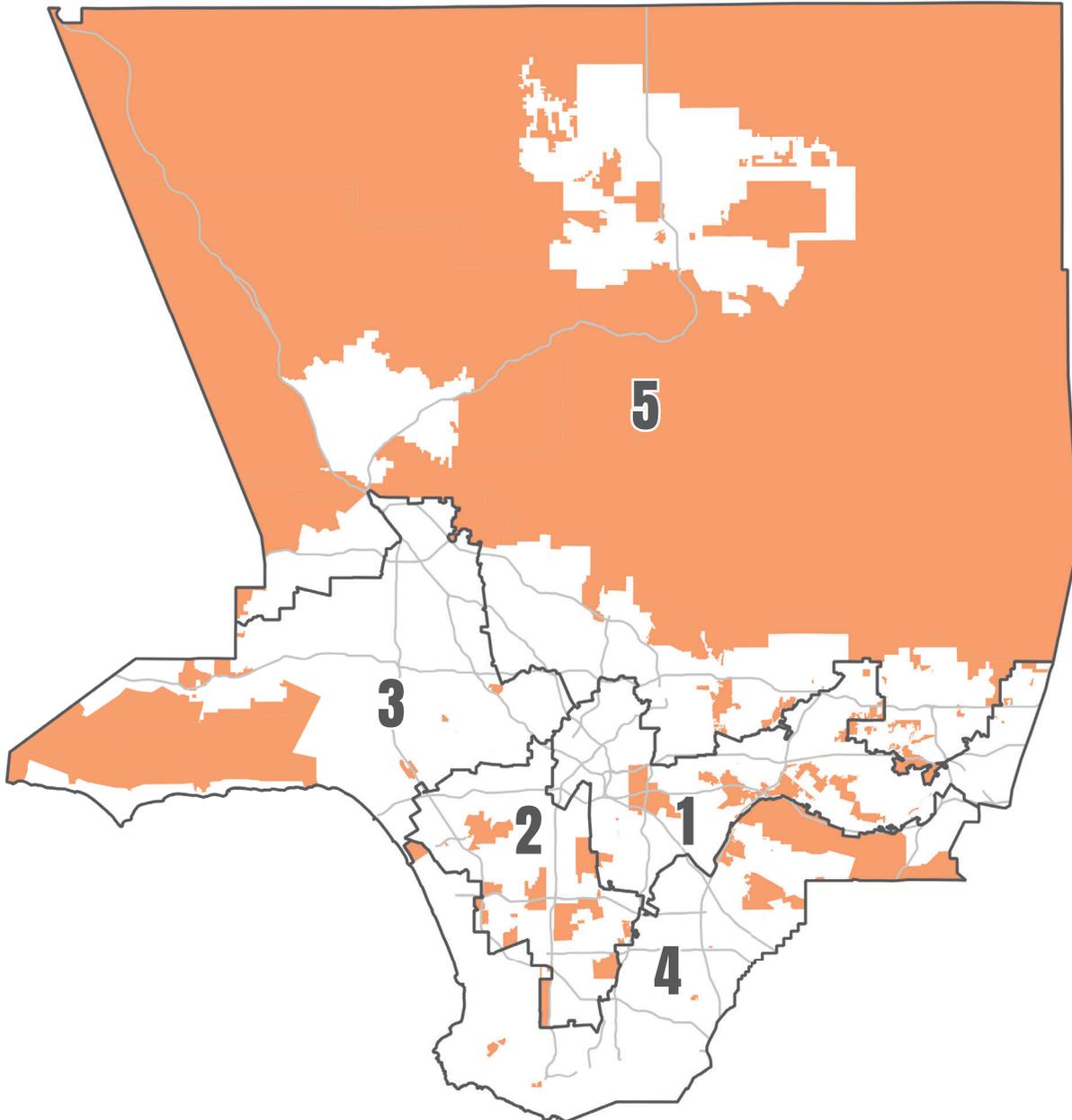
Rent control means equity between landlord and tenant. There's a difference between raising rent 3% or 5%, but that's not what we're seeing. I've seen raises of \$600. That's not 3% or 5%. . . . Equity and equality between renter and landlord is what tenants need.

—Mayra Simmons, social justice advocate

Displacement in urban areas has become one of the civil rights issues of the 21st century. Much like redlining prevented people from acquiring assets in an earlier period, finding yourself moved out of the neighborhood that you have your family members and social networks in—that's damaging to people's health and wellbeing, and it's happening disproportionately to communities of color.

- Professor Manuel Pastor, Director, Program for Environmental & Regional Equity, University of Southern California





Unincorporated Los Angeles County

Unincorporated Community

Supervisor District Boundary
 #
Supervisor District Number

District 1: Supervisor Hilda Solis | District 2: Supervisor Mark Ridley-Thomas | District 3: Supervisor Sheila Kuehl
 District 4: Supervisor Janice Hahn | District 5: Supervisor Kathryn Barger

Unincorporated Los Angeles County refers to areas that are not in any of the County's 88 incorporated cities. These areas can be as small as a few residential blocks, or as large as Angeles National Forest. Unincorporated Los Angeles County accounts for almost 65% of the land area of the whole County. The Los Angeles County Board of Supervisors consists of five elected Supervisors and provides local services and representative government to the residents living in the unincorporated area.

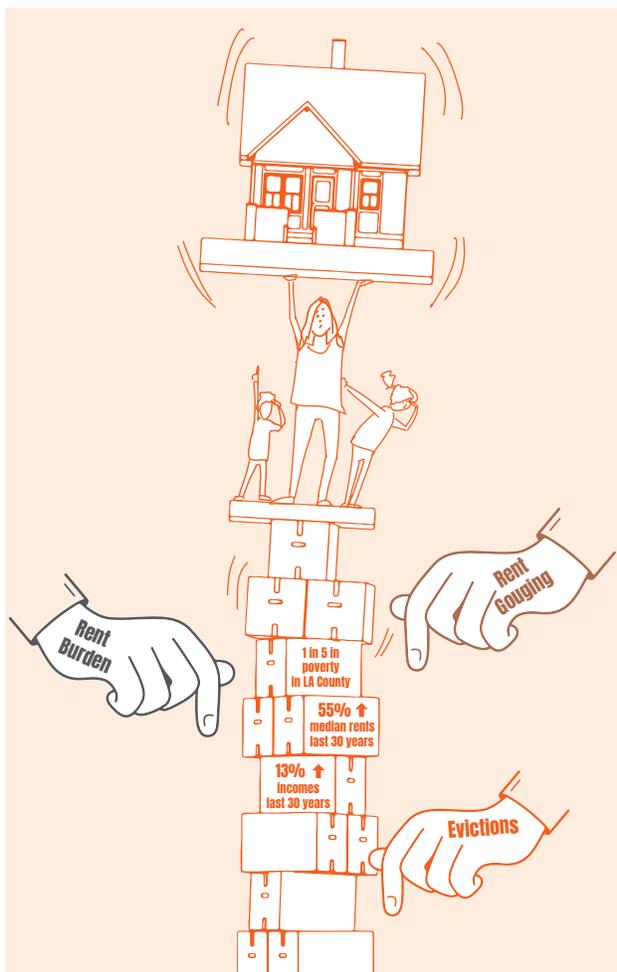
Housing Instability in Los Angeles County by the Numbers

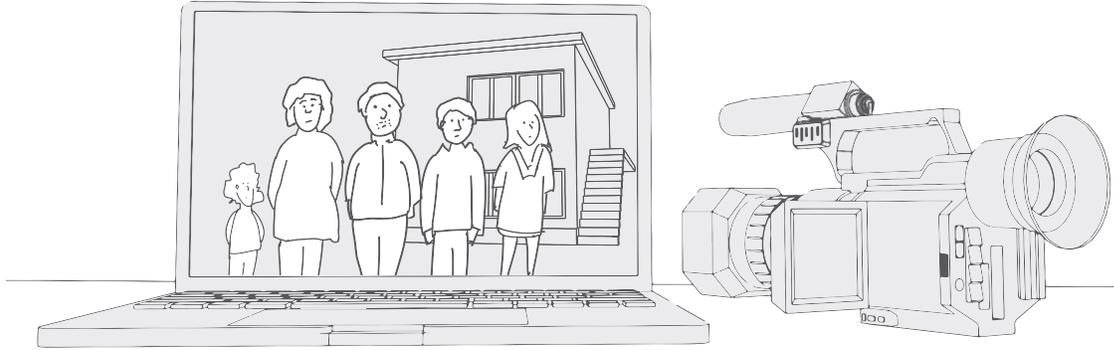
Residents throughout Los Angeles County are feeling the crunch of the housing crisis: more and more households are rent burdened and evictions are shockingly frequent. In fact, housing costs are so high that when factored in with the cost of other basic necessities, nearly 1 in 5 Californians is considered to be living in poverty.¹¹ When housing costs are taken into account, Los Angeles County has the highest poverty rate in the state.¹² During the last 30 years, median rents in Los Angeles County have climbed 55 percent while

incomes have only risen about 13 percent, when adjusted for inflation.¹³ To afford a two-bedroom apartment, tenants in unincorporated Los Angeles County would need to work the equivalent of nearly three full-time minimum-wage jobs—a 115-hour workweek.¹⁴ Housing costs are also rising faster for low-income earners compared to those at the top of the income scale, further exacerbating income inequality.¹⁵

Furthermore, according to a May 2019 study, there is a shortage of more than 500,000 affordable rental units in Los Angeles County.¹⁶ The County Board of Supervisors has taken several measures to dramatically increase funding for affordable housing production, preservation, and rental assistance—from creating a multi-year funding plan for affordable housing to increasing funding for supportive housing services through Measure H to providing millions of local dollars for rental subsidies.¹⁷ But tenants continue to be priced out of their homes, locked out through evictions, and pushed out in gentrifying neighborhoods by unscrupulous landlords. Production and preservation of affordable housing alone will not protect our communities—tenant protections are desperately needed.

Shelter is a basic human necessity, and yet so many Los Angeles County residents are either living without shelter or on the verge of losing it. Many families are just a minor accident, illness, check engine light, or unexpected rent increase away from losing their homes, being evicted, or being displaced from their communities. Three factors often produce this precarious situation: rent burden, rent gouging, and evictions.





Priced Out

The Slow Burn of Rent Burden

Tenant Story : Jesus Flores

Jesus Flores is a 20-year-old resident of unincorporated East Los Angeles and is working towards his degree at East Los Angeles College. He lives with his mom, stepdad, older sister, and younger brother in a two bedroom, one bathroom apartment. His family consistently struggles with the rent, which often means that they cannot afford to pay for other necessities such as internet and phone service. It makes it difficult for his siblings to keep up with their schoolwork, and often requires them to spend more time at school instead of at home with their parents and siblings.

Jesus and his siblings work whenever they can to try to ease their family's rent burden, but it is difficult as full time students. Jesus dreams of becoming a filmmaker or an actor, but his more immediate concern is whether his family will be evicted soon.

This is not Jesus' first encounter with housing instability. During his sophomore year of high school, Jesus lived in a shelter in downtown Los Angeles for several months. It took him two hours to get to school every day, and his grades suffered as a result. Jesus spent the next two years of high school attempting to bring his grades back up.

Jesus is not the only community college student struggling with housing—a recent study done by the Los Angeles Community College District showed that 18.6% of its students had experienced homelessness.²²

Paying a disproportionate amount of a household's income to rent can cause housing instability and significant financial stress. This is called rent burden or severe rent burden—defined as paying more than 30% or 50%, respectively, of household income to rent. Rent burdened households regularly face difficult choices about whether to pay the rent or buy other necessities such as food, clothing, medication, or other bills.¹⁸ An unexpected expense or loss of income can leave families no choice but to leave their homes and face an increasingly uncertain and expensive local rental market. In fact, a recent study confirmed that communities where households spent more than 32% of their income on rent had markedly higher rates of homelessness.¹⁹ In Los Angeles County as a whole,²⁰ Black, Latinx, and Native American tenants experience higher rates of rent burden and severe rent burden than White tenants do. Female tenants are 22% more likely to live in a severely rent burdened household than male tenants.²¹

Rent burden is a significant problem in unincorporated Los Angeles County. A majority—56%—of tenants in unincorporated Los Angeles County are rent burdened and 31% are severely rent burdened. Rent burden is also increasing: there were an estimated 6,353 more rent burdened households in 2017 than in 2010 in unincorporated Los Angeles County.

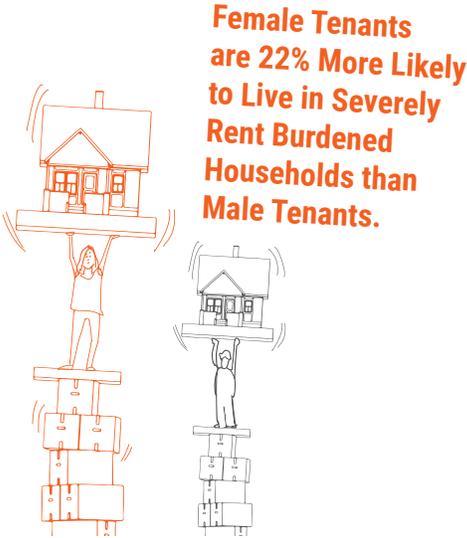
Rent burden is a function of a household's income relative to their rent. Accordingly, lower income tenants experience higher rates of rent burden and severe rent burden than the general tenant population. In unincorporated



Tenant Household Incomes in Unincorporated Los Angeles County

Los Angeles County, an estimated 63% of renters with a household annual income of less than \$35,000 are severely rent burdened—paying more than half their income to rent. And an estimated 71% of renters with household income less than \$20,000 per year are severely rent burdened. The number of households that both qualify for affordable housing and are rent burdened or severely rent burdened vastly outstrips the available affordable housing units, highlighting the need for policies that can provide stability for these vulnerable populations now.

High levels of rent burden and severe rent burden are seen in all parts of the County. Supervisorial Districts 1 and 2 have the highest rates of rent burden and severe rent burden, as well as the largest number of tenant households. Every Supervisorial District has seen an increase in the number of rent burdened and severely rent burdened tenant households since 2010. The largest increase occurred in Supervisorial District 2, where the percentage of rent burdened tenants increased by over 4% since 2010.



Pushed Out

Rent Gouging and the Path to Homelessness

In addition to the slow burn of long-term rent burden, many families—especially in gentrifying neighborhoods—are forced out of their homes and communities by sudden, exorbitant rent increases. Without local tenant protections, California state law governs tenant-landlord relationships and provides very little protection against significant rent increases.²³ The short notice provided by state law—30 or 60 days—is entirely too little time for a low-income household to come up with an additional \$100 or \$200 per month, especially if the household is already paying more than 50% of their income toward rent. Over **35,000**, or **31%**, of all tenant households in unincorporated Los Angeles County make less than \$25,000 per year and most tenant households (58%) make less than \$50,000 per year. With little income to spare, it is often impossible for already overstrained household budgets to absorb large rent increases.

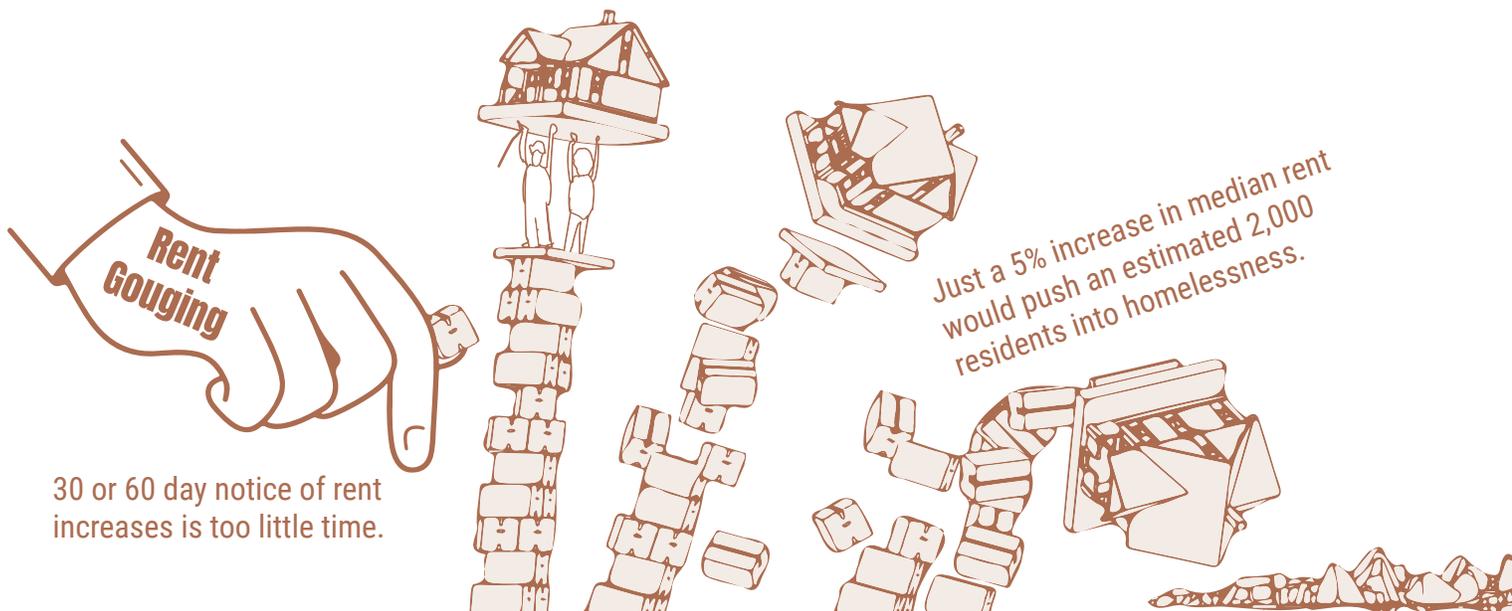
The consequences of rent gouging are severe—causing displacement and often directly resulting in homelessness. Many Los Angeles County residents are just one rent increase away from being pushed out of their homes and on to the street. A 2017 study found that just a 5% increase in median rent

58,936 Individuals experiencing homelessness on a single night

↑ 20,219 Increase since 2010, or more than 52%

would push an estimated 2,000 additional people in Los Angeles into homelessness.²⁴ This risk is all too real for unincorporated Los Angeles County residents who are already feeling the pressure of rent burden. The 2019 homeless count conducted by the Los Angeles Homeless Services Authority reported that 58,936 individuals throughout the county were experiencing homelessness on a single night.²⁵ This is an increase of more than 20,000 individuals since 2010, or more than 52%, including a 12% increase in the last year alone.²⁶ People of color are also overrepresented in the homeless population

8% Black population in Los Angeles County
33% of those experiencing homelessness are Black residents



while just 8% of the Los Angeles County population is Black, Black residents represent 33% of those experiencing homelessness.²⁷

More than half of those individuals experiencing homelessness for the first time cited economic hardship as the primary factor for their situation.²⁸ The 2019 homeless count also found that 67% of the homeless population have lived in Los Angeles County for more than 10 years, and 65% lived in homes in Los Angeles County before becoming homeless.²⁹

The homelessness crisis in Los Angeles County has attracted international condemnation from a special investigator on extreme poverty with the United Nations Commission on Human Rights.³⁰ The U.N. Investigator observed that economic disparities among the Los Angeles population, coupled with the refusal to provide access to housing and sanitation as essential services, may prevent many of its residents from exercising their full political and civil rights.

While the County's homelessness crisis is severe and well-documented, to date, solutions have been elusive. Preventing rent gouging and stabilizing low-income tenant households will keep more residents in their homes and off the streets.

Tenant Story : Jose M. Nuñez

Jose M. Nuñez, 62, lives with his wife in a cramped studio apartment in an unincorporated area of Supervisorial District 2 near the new Diego Rivera Learning Complex. Together, they take in \$995 in disability income per month and struggle to pay the monthly rent of \$668 for their barely habitable apartment. Mr. Nuñez and his wife have consistently lived with various infestations over the past several years; there are glue traps covered with roaches scattered throughout their apartment complex and they found mummified rats in the ceiling. Inside their apartment, there is extensive mold in the bathroom and a stove gas line runs exposed on the kitchen floor. Gas leaks have been reported in several units in the complex. Without more income, the Nuñez family has little choice but to stay in their current apartment if they want to remain housed. Even worse, they have little leverage to complain about the conditions as their landlord could simply evict them or raise the rent. With a severe rent burden well above 50% and a barely inhabitable apartment, the Nuñez family could benefit greatly from robust tenant protection policies.

Days after the first vote by the Board of Supervisors to approve the Interim Ordinance, the Nuñez family along with a dozen other tenants in their building received no cause eviction notices. If the Interim Ordinance had gone into effect immediately, the eviction notices received by the tenants in Mr. Nuñez' building would have been invalid. As of May 2019, the Nuñez' family and many of their neighbors have lost their homes and are struggling to find new homes in Los Angeles County.

More than half of people experiencing first-time homelessness in Los Angeles County cite "economic hardship" as primary cause.

2019 homeless count found that 67% of the homeless population have lived in Los Angeles County for more than 10 years

65% lived in homes in Los Angeles County before becoming homeless





Locked Out

The Shocking Scale of Evictions in Los Angeles County

Families are also often displaced from their communities through informal or formal evictions. Just as with rent increases, if there are no local laws governing evictions, state law provides shockingly little protection against sudden, abrupt notices of termination. In cities and counties without eviction protections, landlords do not have to provide a reason for evicting tenants and tenants can be evicted even if they have always paid the rent on time and never violated the lease.

Tenants Together, a statewide tenants' rights organization, reported in 2018 that an estimated 1.5 million Californians faced formal court evictions in the previous three years.³¹ Records obtained from the Los Angeles County Superior Court shed new light on the magnitude of the eviction crisis in Los Angeles County: between 2010 and 2018, there have been more than half a million court evictions filed countywide. With a county average of three people living in a single rental unit, this is over one hundred thousand people evicted per year.³²

While staggering, these numbers do not capture the full scale of evictions in Los Angeles County because they do not include the countless "informal evictions" that occur without court involvement.³³ Informal evictions occur when tenants are pushed out through landlord harassment, intimidation, uninhabitable living conditions, unaffordable rent increases, or other informal mechanisms where legal resources are unavailable or where

tenants are unaware of their rights. While it is impossible to know the true number of informal evictions, one in-depth study estimates that for every one formal court eviction there are two informal evictions.³⁴

Evictions in Los Angeles County also fall disproportionately on the shoulders of already vulnerable communities. For example, an evaluation of the Shriver Pilot Project, a state funded program that provides low-income tenants with legal representation in eviction cases, found that from the spring of 2012 to the fall of 2015, the Los Angeles clients served by the Project were 57% female, 45% Latinx, 30% Black, and 24% were living with a disability.³⁵

1.5 Million

Californians faced formal court evictions in the 3 previous years



505,924

Unlawful Detainer lawsuits in LA County filed between 2010 - 2018



These numbers do not capture informal evictions, or evictions that occur without court involvement.

The eviction notices usually shocked people. They overstress themselves. Some of them get sick, almost suffer a heart attack.

—Alicia Ortiz, community leader on what she has seen in her apartment complex and her neighborhood of unincorporated East Los Angeles.

I do feel scared that one day my family will get that [eviction] notice....

—Jesus Flores, a 20 year old East Los Angeles resident and student at East Los Angeles College



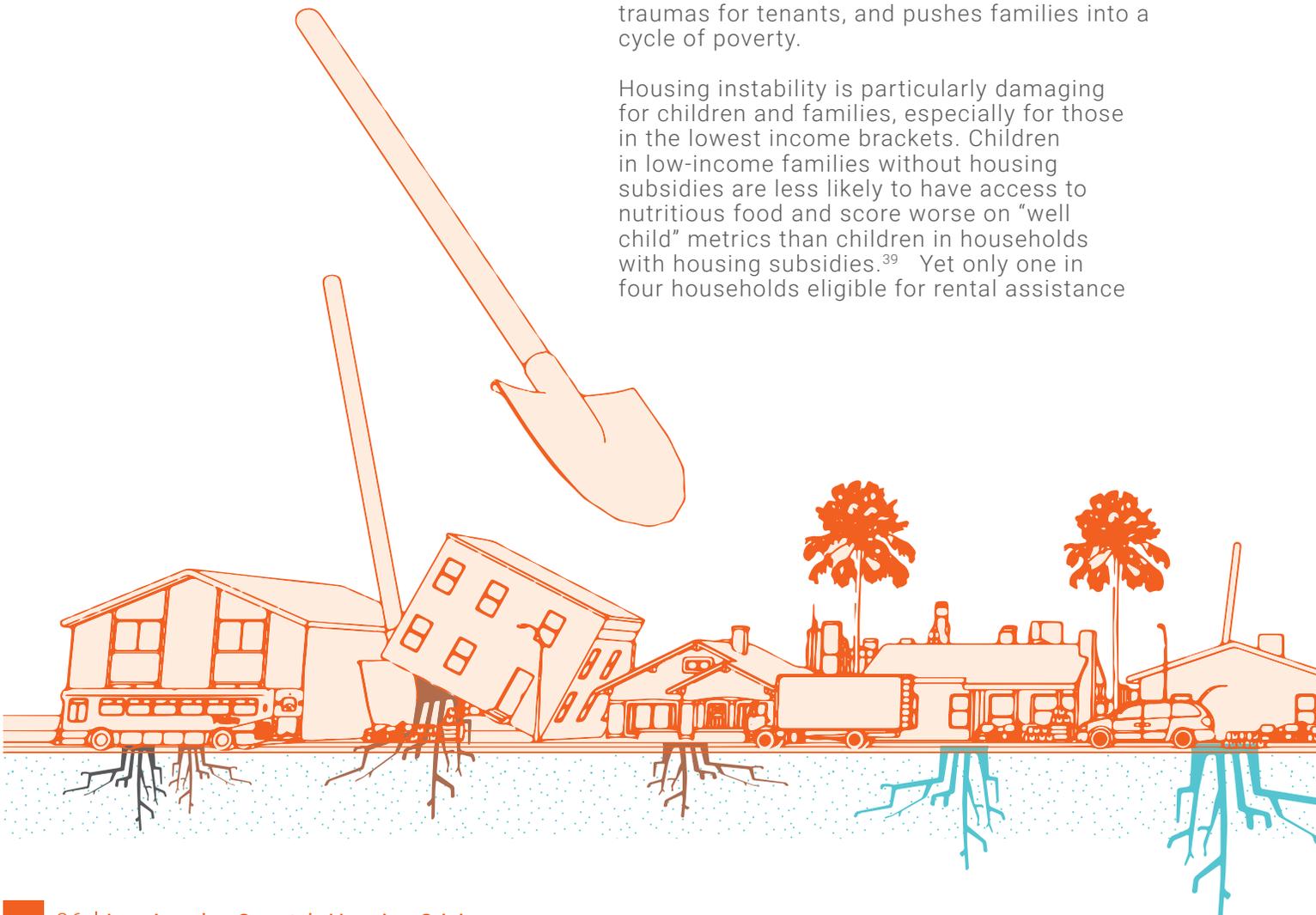
The Human Cost of Housing Instability

My community is one where everyone knows each other. Everyone's very cordial. Everyone says good morning, good afternoon. This is my community. We are happy to see each other. Our children grew up together. Many children have grown, and many have left to study or start families. Now these families leave because they are evicted.

— Mayra Simmons, social justice advocate

A growing body of evidence demonstrates just how damaging eviction and displacement can be to people's health and wellbeing.³⁶ Individuals who are evicted experience up to 20% higher levels of material hardship—the loss of possessions, a job, and access to government aid—for at least two years following an eviction as compared to individuals who are not evicted.³⁷ Displacement removes people from the communities where they have built up neighborhood specific assets—where their family members and social networks are set up and can serve as a last private social safety net before homelessness.³⁸ Displacement through evictions destabilizes communities, creates traumas for tenants, and pushes families into a cycle of poverty.

Housing instability is particularly damaging for children and families, especially for those in the lowest income brackets. Children in low-income families without housing subsidies are less likely to have access to nutritious food and score worse on “well child” metrics than children in households with housing subsidies.³⁹ Yet only one in four households eligible for rental assistance



through the federal Housing Choice Voucher Program (commonly referred to as the “Section 8” program) nationwide actually receive one.⁴⁰ There’s also a significant shortfall of affordable units available in Los Angeles County and across the state.⁴¹ Thus, hundreds of thousands of poor households must find housing on the largely unregulated private market, often with virtually no tenant protections.

Housing instability also undermines children’s education: frequent moving disrupts children’s learning and social support systems so that they are more likely to lag behind their peers and repeat a grade, even when controlling for demographic characteristics.⁴² Since children from low-income families experience the highest mobility rates, these children are at the greatest risk of suffering such harms.⁴³

Having to choose between paying rent and paying for other necessities, such as prescriptions for chronic medical conditions, can have disastrous effects on the health and well-being of children and adults alike. Adults living in unaffordable housing are more likely to describe themselves as being in poor health than adults in affordable housing, and studies demonstrate that rent burden is linked to a higher number of doctor visits, higher rates of frequent insufficient sleep, and lower levels of mental well-being.⁴⁴ Several medical journals have also found that evictions can be a risk factor for suicide, citing the increase in suicides during the Great Recession.⁴⁵ Studies show a correlation between forced mobility and a host of mental and physical ailments, including anxiety, depression, substance abuse and premature mortality.⁴⁶

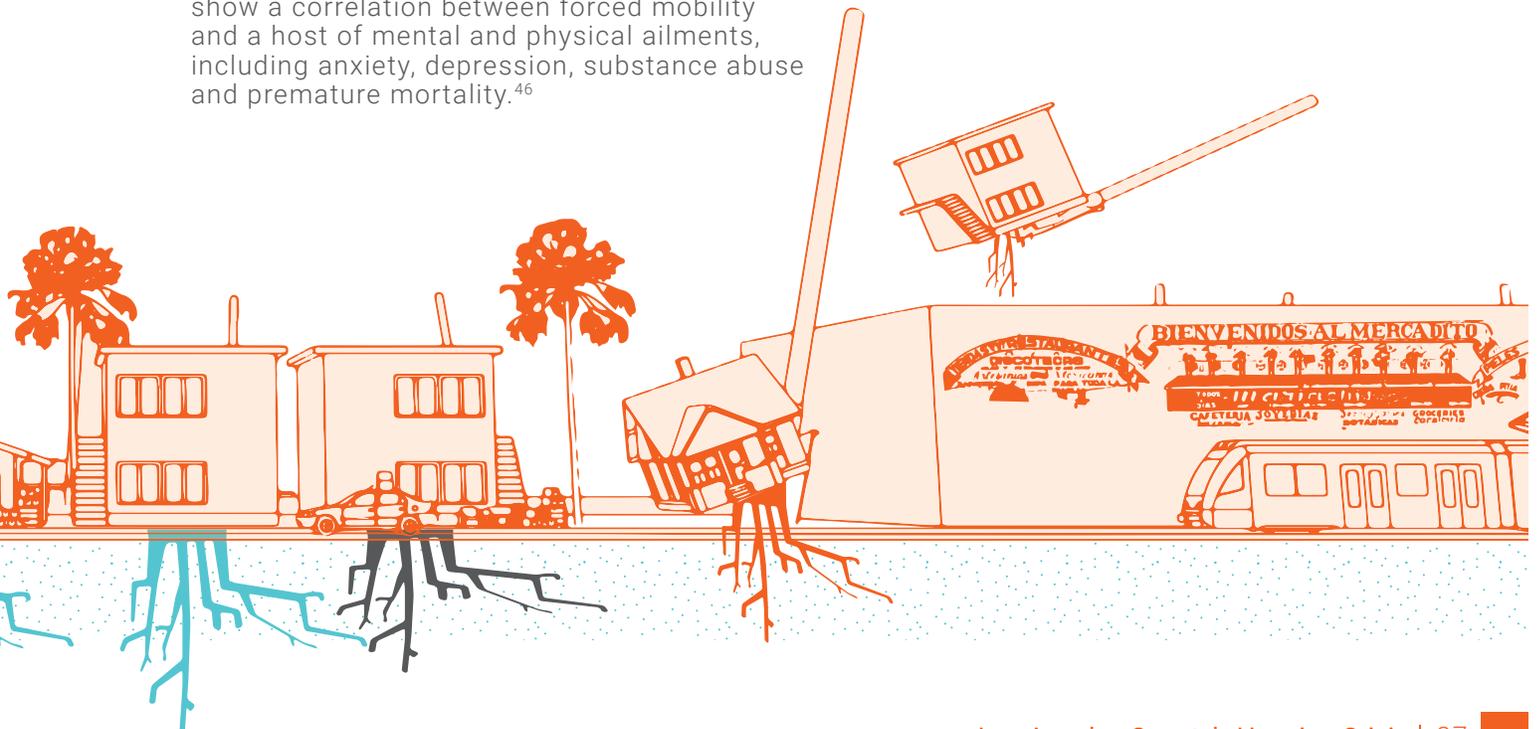
Tenant Story : Alicia Ortiz

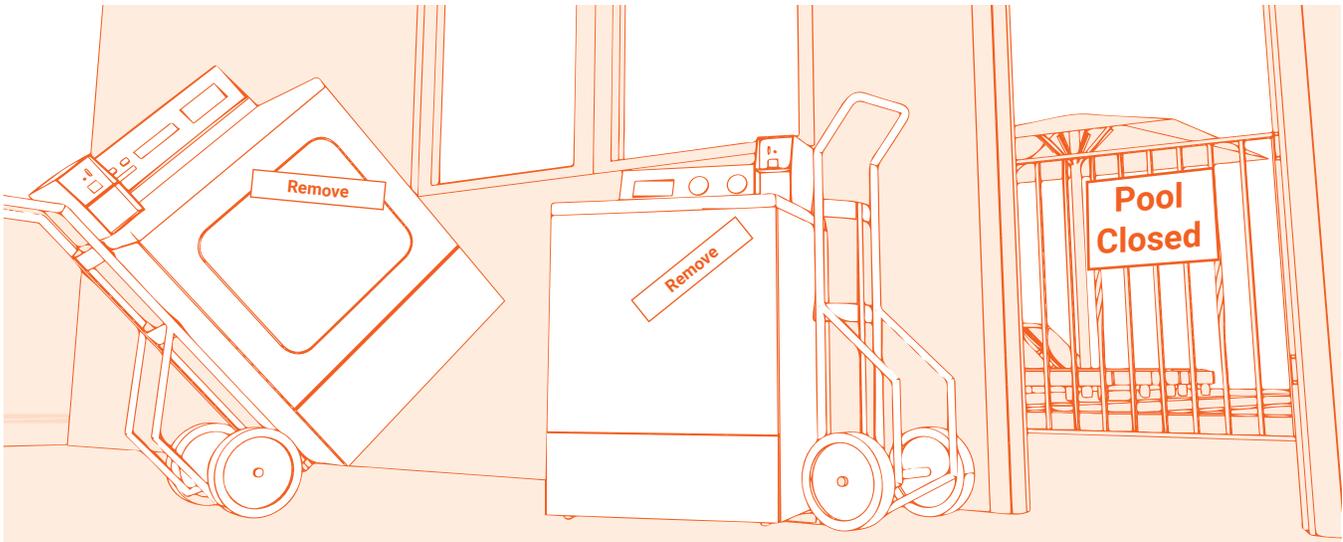
Alicia Ortiz, a tenant and community leader in unincorporated East Los Angeles, has lived in the neighborhood for 27 years. Her family has always had a good relationship with their landlord, but she recently realized how easily her family could be evicted when the landlord seriously considered selling the property. The prospect of eviction would mean not only leaving her home, but also her community, which she has been a part of for decades.

Reflecting on her community, she said, “I have everything close to me, stores, El Mercadito, my church, my friends.” She does not even need a car to get around - her neighborhood provides everything she needs.

I told my property manager recently: look at your tenant. Look there are children, an elderly adult, and a young mother. What message do you get when you look at children? Well, you need pampers, milk, food, clothes....

— Blanca Dueñas, social justice advocate and East Los Angeles resident





Finally, many households who deal with housing instability will eventually experience homelessness.⁴⁷ The mental, physical, and emotional tolls described above are even more severe for individuals who are persistently unsheltered, and the costs of providing healthcare and other services to this population are largely borne by local and state governments.⁴⁸ Families who experience homelessness are also more likely to be separated.⁴⁹

These devastating effects of housing instability are disproportionately born by communities of color, even when controlling for income. A recent study of Bay Area communities suggests that communities experiencing rapid rent increases see a disproportionate effect on low-income households of color as compared to low-income White households.⁵⁰ Households that are displaced move to poorer and more segregated neighborhoods.⁵¹ And low-income households that move have higher rates of rent burden than households that do not move.⁵² As a result, forced displacement contributes to a vicious cycle of poverty—and re-segregation—with tenants of color having fewer opportunities in poorer neighborhoods.

Tenant Story: Joyce Williams Pickens

Joyce Williams Pickens has lived in South LA for almost fifty years. She has been living in her current apartment in the unincorporated area of West Athens for more than seven years. As a retired senior, Ms. Pickens receives a Social Security check every month, but it is barely enough to cover her rent. Since she moved in seven years ago, the landlord has slowly taken away amenities throughout the apartment building, like the laundry room (there are no more washing machines or dryers) and closing the swimming pool. Despite the reduction in amenities, her monthly rent has increased almost 20% since the start of her tenancy.

Ms. Pickens relies on what she calls an "allowance" from her two daughters to pay her other bills, like gas, water and electricity. As a way of supplementing her monthly income, Ms. Pickens collects bottles and sells baked goods to make sure she has enough money through the month to buy anything else she may need.

Ms. Pickens fears that if she is hit with a large rent increase, she won't be able to find another place to live on short notice and with a limited income. Although her daughters live nearby, they live in small apartments and cannot fit another person. Ms. Pickens worries about how seniors on fixed incomes like her will be able to keep living in the community without stabilized rents and tenant protections.

The biggest social determinant of health is housing status. [Being homeless] causes risk to your health, lack of access to food and hygiene, the threat of violence, depression and substance abuse.

- Dr. Catherine Crosland, Medical Director of Homelessness Outreach Services, Unity Health Care

Decent, affordable housing should be a basic right for everybody in this country. The reason is simple: Without stable shelter, everything else falls apart.

- Matthew Desmond, Co-Director of the Justice & Poverty Project, Harvard University

[F]orced displacement frequently results in outright homelessness.

- Chester Hartman & David Robinson, "Evictions: The Hidden Housing Problem," Fannie Mae Foundation 2003.

Living with Housing Instability in Los Angeles County



Studies of the housing crisis can help us understand the magnitude of the problem in Los Angeles County, and identify the groups of households and residents who are disproportionately suffering. However, data cannot fully illustrate the human toll that the housing crisis takes on individual families and residents. The following stories, collected through interviews with unincorporated Los Angeles County residents, shine a light on the human impacts of the housing crisis and help contextualize the need for a comprehensive policy response.

“Landlords can easily raise the rent. Therefore, tenants will have to leave their homes. This doesn’t just mean being without a home. This situation creates psychological damage and limits our capability to work and develop as a human being.”

–Maria León.

Until recently, Maria León lived with her three daughters, son, and granddaughter. The family has lived through many challenging situations, but nothing separated them until they received a notice from their landlord. For eleven years, they lived in a cozy home in unincorporated East Los Angeles. Maria always worked hard to pay her \$1,800 monthly rent on time. She treated the space as if it were her own property and tried to have the best possible relationship with her landlord. Despite the lack of conflict and the fact that she always paid her rent on time, it was not enough to keep her home and her family together.

Maria and her family received the notice when her landlord sold the property. Her family could either vacate the premises or pay one rent increase followed by another, totaling to an additional \$380 per month. Maria and her family tried desperately to find a new place but the search was unsuccessful.

When it became clear that they could not afford the rent increase or find another place to house them all, the family was forced to split up. Two of her daughters, who were full time college students, were forced to start working full time and shift to studying online. Maria notices that they barely eat as they are trying

to save enough money for their rent, school supplies, and tuition, among other expenses. Maria’s third daughter, who has a child, is now living with her boyfriend and struggling to make ends meet. Maria is extremely concerned about her granddaughter’s family. Maria’s son aspires to go to college, but his dream will have to wait. His job at the 99-cent store barely provides enough for microwaved soup and rent.

At the time of this interview, Maria did not have her own place to live. She sometimes slept at her mother’s place and showered there before going to work. Other nights, she would sleep in her car and shared the public street with too many other families facing similar situations. Maria is thankful that her children are old enough to work and are self-sufficient, but knows this is not the case for the many families with young children that she has encountered.

At the time of publication, Maria had found a small apartment for herself. She pays \$1,750 per month. She struggles both with the rent payments and, more significantly, her continued separation from her family.



“Landlords are charging me \$1,000 for a single unit that does not even work. It’s ridiculous. ... If they’re going to fix the problem, then I would understand if they’re going to charge us a little bit more because they’re going to remodel. But they’re not doing anything and they still want to charge the tenants more than they should . . .”

–Emari Basto.

Emari Basto’s apartment in the unincorporated Florence-Firestone neighborhood of Los Angeles County is pristine, decorated with red and yellow curtains and accent pillows. There are handcrafted Halloween decorations on the table and in the kitchen. There is fresh paint on the door and a brand-new stove in the kitchen that arrived that day. She is just waiting for a gas inspection before connecting it since there have been fires in nearby units.

But things were not always like this. Emari recently concluded a two-year lawsuit, fighting with her landlord just to make her home habitable. Emari explains, “It was really hard because we didn’t really want any of [the complications of a lawsuit], we just wanted a place to live, to be comfortable.” Emari went forward with the lawsuit even though she knew that her landlord could easily evict her for it, and knows that many other tenants cannot take the same risk.

She had broken tile in her bathroom, a gas leak, and water flooded through the gap in her front door when it rained, seeping into her closet and ruining her shoes. She also went two years without a working stove. She had to get incredibly inventive with a small electric wok

she jokingly describes as a miracle wok. Things came to a head when she finally pleaded with the maintenance supervisor of her building: “Put yourself in our shoes.”

While she dealt with all these basic habitability issues, she has had to put her schooling on hold. Now that things are finally under control, she hopes to return to school in Long Beach, get her degree in psychology, and become a student counselor. Emari has always been a model student. On one wall of her apartment hangs a picture of her shaking President Clinton’s hand; on another wall hangs the award memorializing the essay contest she won in high school that brought her to the White House for that photo. But Emari has had to put her promising future on hold to deal with her unstable living conditions.

Her recent struggles with her unit are not her first misadventures with housing. After a big earthquake when she was young, she and her family were homeless for a few days. She recognizes the importance of housing stability for her success. If things stay the way they are now – if she can keep paying the same amount for her rent and the conditions stay livable – she can return to school next year.



II. Rent Control is an Essential Part of the Solution





Rent Stabilization Explained

Tenant A is paying \$1,000/month for a studio apartment in 2018. Under a local rent stabilization policy, Tenant A’s landlord can raise the rent the following year by a certain amount—e.g. 3%, or \$30/month. In 2019, Tenant A would pay \$1,030/month. If Tenant A moves out of the apartment and Tenant B wants to move in, then the landlord can set the rent for any amount that the landlord and Tenant B agree to, even if it is more than a 3% increase over the previous \$1,030/month rent.

Given the scale of the housing crisis, it is no surprise that rent control has reemerged as one of the most responsive, popularly supported, and politically feasible tools that jurisdictions like unincorporated Los Angeles County can use to protect their tenants. Rent control has been upheld by California courts for decades, and more than a dozen cities have embraced it, including four cities in Los Angeles County. This section explains the legal and policy mechanics of rent control in the context of the broader legal framework of tenant protections in California.

Rent control generally refers to a law that limits rent increases for tenants year to year. Some advocates and academics prefer to use

the term “rent stabilization” instead of “rent control” to differentiate current policies from earlier versions of rent control policies. Earlier rent control policies often set maximum rents for each unit, each year, regardless of changes in tenants or the market. No city in California has this stricter version of rent control, which was seen in earlier decades in other parts of the country, such as New York City. Instead, California rent stabilization policies allow landlords to raise rents a certain percentage each year, and also allow landlords to set rents at market rate when a rental unit becomes vacant.

The terms “rent control” or “rent stabilization” typically reference two related policies: (1) limits on rent increases and (2) just cause eviction protections. Rent control and rent stabilization are used interchangeably throughout this report. However, we take care to refer to rent control/rent stabilization and just cause eviction protections separately for sake of clarity.

I have been living the experience of worrying about excessive rent increases. For example, I pay \$1050 and I was notified that I will pay \$1250 beginning May 1st. Believe me, my emotional and psychological worry continues to be how and where am I going to come up with the rent difference? I believe that in every place, if we do nothing, this psychological and economic abuse will continue to be done to the renter community.

-Blanca Dueñas, social justice advocate and East Los Angeles Resident



The Origins of Tenant Power in California and the Re-Emergence of a Fight for Housing for All

In response to the statewide housing crisis that has deepened over the past several years, there has been a resurgence of local and statewide tenants' rights movements across California. In 2016, the Bay Area cities of Richmond and Mountain View successfully won rent control protections at the ballot box.⁵³ Here in Los Angeles County, tenant unions have formed across the region, and grassroots tenant rights efforts have resulted in several successful know your rights campaigns and rent strikes against neglectful landlords.⁵⁴ In 2018, local community groups and tenants in more than seven cities across the state collected signatures to put rent control on the ballot, and others demanded that their local city or county officials implement tenant protections in response to the housing crisis.⁵⁵ Proposition 10, a statewide ballot initiative that would have repealed state law limitations on rent control, won 4.9 million votes despite the Yes campaign being outspent by opponents by more than three to one.⁵⁶ In just the first few months of 2019, cities in Los Angeles County, such as Inglewood and Glendale, have responded to tenant organizing and advocacy by implementing temporary rent stabilization ordinances.⁵⁷ At the state level, several tenants' rights' bills were proposed in the 2019-2020 legislature year, including bills that would lengthen the notice period for rent increases,⁵⁸ prohibit rent gouging,⁵⁹ and limit the reasons allowed for eviction.⁶⁰ This is not the first time that California tenants have demanded their government do something in the face of rising

rents and housing instability.

During the late 1970s, as global events led to skyrocketing prices for oil and other goods, rent control emerged as a politically viable policy in California where rent increases far out-stripped wage increases.⁶¹ Berkeley became the first jurisdiction in California to adopt rent control in 1972.⁶² A number of other cities followed after the 1978 passage of Proposition 13, a statewide initiative that limited property taxes from residential and commercial buildings and promised increased housing stability for homeowners.⁶³ During the campaign for Proposition 13, landlords promised that tenants would see reduced rents, a pledge that was almost uniformly left unfulfilled.⁶⁴ In fact, studies show that most landlords actually increased rents after Proposition 13 passed—inflation-adjusted median rents in California rose more than 40% in the decade following Proposition 13's passage.⁶⁵ Since much of the messaging around Proposition 13 had focused on the benefits of housing stability for homeowners (particularly older residents), tenants turned to their local governments, arguing that they too deserved stable housing and price protections.⁶⁶ The City of Los Angeles adopted temporary measures to roll back recent rent increases in August 1978,⁶⁷ and renewed the temporary ordinance until a permanent rent stabilization ordinance, including just cause eviction protections, was adopted in 1982.⁶⁸

The Board of Supervisors similarly responded to the demand for tenant protections by passing a temporary ordinance for unincorporated Los Angeles County residents. The temporary ordinance, in place from 1979 to 1985, provided far-reaching protections, including rent restrictions, a rent adjustment commission, eviction limitations, and relocation assistance.⁶⁹ However, the ordinance was allowed to lapse, providing tenants with only temporary relief. Unincorporated Los Angeles County tenants were left with the minimal protections of state law, while their neighbors in the cities of Los Angeles, Santa Monica, and West Hollywood⁷⁰ continued to enjoy strong tenant protections. From 1986 to 2018, unincorporated Los Angeles County tenants had no protections against unregulated rent increases or groundless evictions.

As the housing crisis expands and deepens, Los Angeles County is now revisiting rent control as an important policy strategy. In May of 2017, with the support of the Los Angeles Center for Community Law & Action (LACCLA), dozens of tenants, organizers, and community-based organizations staged a march to the County Hall of Administration to share their stories of eviction, housing instability, and loss of community with members of the Board of Supervisors. They asked Board members to re-institute rent control and just cause eviction protections for tenants living in unincorporated Los Angeles County.

In response, on May 16, 2017, the Board passed a motion authored by Supervisors Hilda Solis and Sheila Kuehl to create the Tenant Protections Working Group. The group was tasked with “provid[ing] recommendations to the Board ... on tenant protections that might be enacted for County unincorporated areas.”⁷¹ Following the Tenant Protections Working Group recommendations—and with the urging of more than forty community based organizations—the Board of Supervisors enacted an Interim Ordinance to Temporarily Limit Rent Increases (the Interim Ordinance) on November 20, 2018.⁷² The Interim Ordinance provides just cause eviction protections and a 3% cap on rent increases for the year, but does not provide other basic protections like relocation assistance for no-fault evictions.⁷³ All multi-unit properties built before 1995 are covered by the rent stabilization and just cause eviction protections. The Interim Ordinance went into effect on December 20, 2018 and was set to expire in 180 days.⁷⁴ The Board

extended the Interim Ordinance in April 2019 until the end of the calendar year and also expanded just cause eviction protections to all rental units in unincorporated Los Angeles County.⁷⁵

With these interim protections in place, the Board is now considering a permanent rent stabilization ordinance. The remainder of the report provides an overview of rent control policy mechanics within the broader legal architecture of tenant protection policies and presents a set of pragmatic and effective policy recommendations from organized tenant communities. By adopting temporary protections and exploring the implementation of a permanent ordinance, Los Angeles County is poised to provide the largest expansion of tenant protections in California in over forty years.⁷⁶

Tenant Story : Mayra Simmons

Mayra Simmons has lived in the same apartment complex in unincorporated East Los Angeles for 19 years. She originally moved in with her husband and two daughters. During her time in that apartment, she had another daughter, raised her three daughters, lost her husband, and saw the birth of her first grandchild. The apartment holds a lot of memories. Mayra's daughters often say that they'll be heartbroken if they have to leave their childhood home.

Mayra has had a good relationship with her landlord over the past 19 years, but there has been more tension in the past year with the landlord's new wife. Her landlord's wife has made several attempts to change the terms of her tenancy, and even demanded that Mayra and her family move out. Mayra has resisted because none of these requests have been made in writing and she knows her rights as a tenant. Mayra knows that many of community members do not know their rights and might not push back like she has.

Mayra was overjoyed to learn that she is protected by Los Angeles County's interim rent control ordinance. Making this ordinance permanent would give her peace of mind that she will be able to stay in her home as long as she continues to pay her rent and abide by her lease.

The Nuts and Bolts: Rent Stabilization and Just Cause Eviction Protections

There is a lot of misinformation surrounding rent control. This section outlines the policy mechanics and legal underpinnings of rent control and just cause eviction policies, and clarifies both what these policies can do and what they cannot do.

Rent control ordinances, or rent stabilization ordinances (commonly shortened to “RSOs”), generally limit annual rent increases for tenants in specified units. RSOs may cap increases at a fixed rate, like the County Interim Ordinance, or may be based on the Consumer Price Index to track inflation more closely, like those in the cities of Los Angeles, Santa Monica and West Hollywood. RSOs typically create a board or commission to oversee the administration of the ordinance, set fees to pay for the rent stabilization program, and set up a “rent registry” to track trends in the rental housing market and flag illegal rent increases.

RSOs in California also include mechanisms to ensure that property owners can realize a “fair rate of return” on their property investment.⁷⁷ California courts have consistently upheld RSOs as long as such a mechanism is included.⁷⁸ All RSOs in California include an individual petition process allowing a property owner to request a rent increase above the annual allowable amount if the owner demonstrates that the restriction is preventing them from making a reasonable return on a rental property. Many RSOs also include a second process for property owners to request a rent increase above the annual allowable amount to fund capital improvements to the property. Pursuant to state law, discussed in more depth below, landlords are also free to set rents at whatever they see fit for new tenants (referred to as “vacancy decontrol”).

Just cause eviction policies limit the reasons that a landlord can evict a tenant and requires the landlord to identify the reasons for the eviction to the tenant and to a court of law. Evictions are typically allowed for specific reasons where a tenant is at fault, such

as when a tenant uses the property for an unlawful purpose, fails to pay rent, materially breaches the lease, or creates a nuisance. Just cause eviction policies may also include grounds that a landlord can evict a tenant irrespective of the tenant’s behavior, generally referred to as “no-fault” grounds. Some no-fault grounds for eviction are required under state law. For example, California state law requires that landlords be able to evict a tenant if the landlord intends to withdraw the unit from the rental housing market altogether. Most just cause eviction policies also require the property owner to pay relocation assistance to a tenant subject to a no-fault eviction.

Local municipalities that have RSOs also typically have complementary policies to curb attempts by property owners to evade rent stabilization regulations. For example, procedural requirements for condominium conversions help ensure that tenants have adequate notice that their lease will be terminated and prevent landlords from evicting tenants under the pretext of leaving the rental market, only to re-rent the units at a higher rent—circumventing a local rent control ordinance.⁷⁹ These policies may also require a hearing before a zoning board to reclassify the units⁸⁰ or deny a condominium conversion project altogether if the rental vacancy rate is below a certain threshold.⁸¹ Finally, because landlords may find it easier to avoid these regulations by negotiating with tenants directly, landlords may try to pay a tenant to vacate their unit. These “tenant buyout” agreements (colloquially referred to as “cash for keys”) can often be coercive or based on a misunderstanding of the tenant’s right to stay in the unit. To address this, local jurisdictions may regulate buyouts, requiring enhanced notice requirements and an ability for tenants to rescind the agreement for a specified period of time.⁸²

Tenant Story : Beverly Roberts

Beverly Roberts, a resident in the unincorporated area of Florence-Firestone, has owned a lot with two residential units on it since the late 1980s. Beverly purchased the property with a friend, and became the sole owner in the early 2000s. Since Roberts became the sole owner, she has consistently rented out the larger, front house to families with Section 8 vouchers, while she has lived in the smaller, back unit. At times, Roberts has struggled to pay the mortgage, but that has only made her respect a tenant's struggle to keep up with skyrocketing rent that much more.

Beverly sees this the relationship between tenant and landlord like a marriage. If she is unable to pay her mortgage, not only will she lose her property, her tenant will also lose a home. And if she charges rent to the maximum that her tenant can pay, it's more likely that the tenant will miss a rent payment and put her in jeopardy of missing a mortgage payment. She believes that the landlord and the tenant should take care of each other, instead of the landlord being greedy and trying to gouge the tenant.

To Beverly, rent control and just cause eviction protections are necessary given the growing inequality between landlords and tenants. "People who don't support these reforms don't know what the struggle is, [the struggle of] not having a good job that pays well." She sees policies like rent control as crucial to keeping families in their homes and stemming the growing tide of homelessness.

Beverly wants other landlords to think about their own community members and family, "Don't you know people at your church? Don't you have children? You might own property, but they might not, and how would they like this price gouging?"

State Law Limitations

In response to local rent control initiatives adopted in the 1970s and 1980s, landlords and real estate groups lobbied the state legislature to pass two pieces of legislation that created significant limits on local tenant protection policies. One of those state laws is the Costa-Hawkins Act of 1995 (Costa-Hawkins).⁸³ Costa-Hawkins restricts the types of protections local jurisdictions can provide tenants in three ways: (1) it requires vacancy decontrol, meaning that cities cannot regulate the initial rent for new tenancies (put another way: landlords may increase the rent to any amount they want once a unit is vacant); (2) it prevents local jurisdictions from regulating rents on units constructed after February 1, 1995;⁸⁴ and (3) it exempts single-family homes and condominiums from rent control.⁸⁵ Costa-Hawkins gutted key provisions of stronger rent control policies that existed in five California cities at the time, including Santa Monica and West Hollywood.⁸⁶

The second state law affecting rent control is the Ellis Act.⁸⁷ Before its passage, localities like Santa Monica gave its Rent Control Board the authority to prevent an owner from mass evicting tenants from an apartment building using no-cause eviction procedures.⁸⁸ The Ellis Act expressly permits landlords to withdraw their units from the rental market, giving them the power to mass evict their tenants to do so. Within a few years, studies on the impacts of the Ellis Act confirmed that the rate of apartments being removed from Santa Monica's housing stock increased rapidly, often in recently purchased buildings.⁸⁹ In the City of Los Angeles, between 2001 and 2019, over 25,000 units—more than 3% of the total rent-controlled housing stock—has been taken off the rental market using the Ellis Act.⁹⁰

Together, these two state laws—Costa-Hawkins and the Ellis Act—have shaped the current housing crises in California cities. These laws limit local jurisdictions' flexibility in responding to market forces that cause housing instability and constrain their ability to maintain an appropriate mix of housing for their population. These laws have also had the effect of chilling many tenant protection movements.

Common Misconceptions about Rent Control

Landlord lobbyists have relied on a handful of false or misleading claims to create doubt about the effectiveness of rent control, including claims that rent control discourages new housing construction, reduces investment in existing units, and makes it impossible for landlords to earn a reasonable return on their investment.

In fact, rent control has proven to be the most effective policy that a local jurisdiction can adopt to immediately and broadly protect tenants, while ensuring landlords maintain habitable units and make a fair return on their investment.

The most apparent falsehood put forward by landlord lobbyists is that rent control reduces new housing construction. In fact, rent control has not reduced new housing construction due to the simple fact that no jurisdiction in the United States applies rent control to new construction.⁹¹ In California, the limits imposed by Costa-Hawkins guarantee that rent control cannot apply to almost any residential units built after 1995. Studies of modern rent regulation schemes, like the local rent control ordinances seen throughout California, confirm that the regulations do not reduce the supply of new housing.⁹² To the contrary, there is evidence that rent control actually spurs *more* development as tenants moving into a jurisdiction with rent stabilization are less able to displace existing tenants from their units, creating demand for new units. In cities where rent control ordinances have been in place for several decades, there has been more construction of multifamily housing compared to neighboring cities without rent control.⁹³

For example, from 2007 to 2013, “the six cities that had rent control in the Bay Area actually produced more housing units per capita than cities without rent control.”⁹⁴ Instead, it is clear that housing production is more closely tied to trends in the economy, the availability of credit to finance development, and land availability.⁹⁵

Furthermore, it is clear that the production of new housing units needed to address the County and state’s shortfall will take years, if not decades. It will be a long time, if ever, before any new market-rate units become affordable for low-income tenants. In a gentrifying housing market, the traditional “filtering” model where lower income residents move into existing housing as the quality declines with age, does not apply.⁹⁶ Instead, gentrification results in “reverse filtering” as higher-income groups displace lower-income groups in existing housing stock.⁹⁷ Even in markets where there has been significant housing production, the gains are often only realized at one end of the market: the luxury rental unit market. One study of Seattle’s housing market demonstrates how a glut of luxury rental units resulted in lower rental prices for high income earners, but has failed to lower rents for the lower income tenants.⁹⁸ Tenants, especially low-income tenants, need the stability that rent control provides today.

Similarly, rent control does not exacerbate habitability problems or cause units to fall into disrepair. Landlords are required by state and local laws to keep their units in safe and habitable condition.⁹⁹ But without rent control and just cause eviction protections, tenants

There is a substantial medical and sociological literature documenting that the displacement of low-income people creates severe stress, with long-term health and mental health impacts—costs that receive no attention from the economics literature.

-Dr. Stephen Barton, former Housing Director for the City of Berkeley, California

are often reluctant to insist on repairs that landlords are legally required to provide out of fear that their landlord will increase the rent or evict them instead of making the repairs.¹⁰⁰ Tenants who are protected by rent control and just cause eviction policies can insist that landlords make necessary repairs without the same fears of losing their home due to landlord retaliation. Furthermore, habitability issues with rental units abound in non-rent controlled jurisdictions—for the most unscrupulous landlords, it is a lucrative business model replicated in cities across the country.¹⁰¹ In order to seriously tackle habitability and maintenance issues, a robust and regular code enforcement program, like the Systematic Code Enforcement Program (SCEP) in the City of Los Angeles, can be paired with a rent control policy to ensure housing quality improves for tenants in unincorporated Los Angeles County.

Lastly, rent control will not prevent landlords from making a fair return on their investments. The California and U.S. Constitutions require price regulations to allow property owners to make a reasonable return on their investment.¹⁰² As discussed above, all rent control ordinances in California include an individual petition process for landlords to request permission to impose larger rent increases if it is necessary to make a reasonable return.¹⁰³ Studies of rent control jurisdictions confirm that landlords regularly make ample returns. An in-depth study of the Los Angeles Rent Stabilization Ordinance program determined that buildings covered by rent regulations have actually performed on par or better than apartment buildings in

both the Los Angeles region and in the country where rental units are not covered by rent regulations.¹⁰⁴ The same study demonstrated that the allowable annual rent increases under the city's ordinance were, over time, on par with rent increases seen across the United States.¹⁰⁵ A 2018 National Apartment Association study also concluded that rental units in the San Francisco area, a large municipality with long-standing rent control policies, had the highest revenue in the country with operating expenses in the middle of the market, ensuring a healthy return for San Francisco landlords.¹⁰⁶

Contrary to the myths repeated by rent control skeptics, rent control does not slow the construction of new housing, lead to the degradation of existing units, or prevent landlords from making a fair return on their investment. However, rent control will immediately improve the stability of tenant households, empower tenants to advocate for better housing conditions, and substantially reduce evictions without cause.

How Would Rent Control Help Los Angeles County Communities?

Residents in unincorporated Los Angeles County are continuing to struggle with the high cost of housing and the lack of available affordable housing. These struggles are exacerbated by unprincipled landlords who evict tenants for no cause, rent gouge tenants in gentrifying neighborhoods, and provide substandard housing in violation of state and local law. This does not have to be the case. The County can and should provide permanent protections for the hundreds of the thousands of tenants in unincorporated Los Angeles County.

There are an estimated **403,290** tenants in unincorporated Los Angeles County, an increase of **12%** since 2010. The number of owner-occupied units has decreased during the same period. According to the analysis done by Los Angeles County for the Tenant Protections Working Group in 2018, roughly **50,000** units are eligible for rent stabilization under state law.¹⁰⁷ Tenants living in these tens of thousands units can enjoy improved housing stability the day the Board of Supervisors makes these protections permanent.

Our own analysis of census data used conservative assumptions to estimate the number of units eligible for rent stabilization in unincorporated Los Angeles County by Supervisorial Districts. When estimating the number of eligible units, we assumed that no mobile homes or 1-unit attached structures were eligible for rent stabilization. We only included units built before 1990, even though units built until 1995 could be eligible, because ACS building data is only reported in 10-year bins. Even using conservative assumptions, our analysis found an estimated **43,564**

tenant-occupied units, or more than 150,000 tenants, are eligible for rent stabilization in unincorporated Los Angeles County. Furthermore, since 2010, **an increasing number of single-family homes are occupied by tenants**. While the tenants in single-family homes are not eligible for rent stabilization, these households can still benefit from just cause eviction protections and other policies to improve housing stability.

The tenants who can benefit from rent stabilization and other tenant protections are not concentrated in any one Supervisorial district. A significant proportion of units in all Supervisorial Districts are eligible for rent stabilization. Supervisorial Districts 2 and 4 have the highest proportion of units eligible for rent stabilization. Supervisorial Districts 1 and 5 have a larger proportion of tenants living in single-family homes. Adopting a permanent, comprehensive tenant protection policy would benefit all of the estimated 116,587 households living in tenant-occupied units. In total, this would benefit an estimated 403,290 individual Los Angeles County residents.

Providing families and households with tenant protections not only provides stability in the present, it can also provide stability for the future. Stable households can build generational wealth, enjoy new public investment in their neighborhoods in the form of new parks, street improvements, and better schools, and resist generational practices of disinvestment and displacement. Keeping families in their homes is an essential component of building and maintaining healthy communities.

There are

403,290

Tenants in
Unincorporated
Los Angeles
County

12%

increase
since
2010

116,587

Units of housing
eligible for
tenant
protections

43,564

Units of housing
eligible
for Rent
Stabilization

I think the thing that I have in common with my neighbors now is the risk that they'll be thrown out with no cause, for no reason.

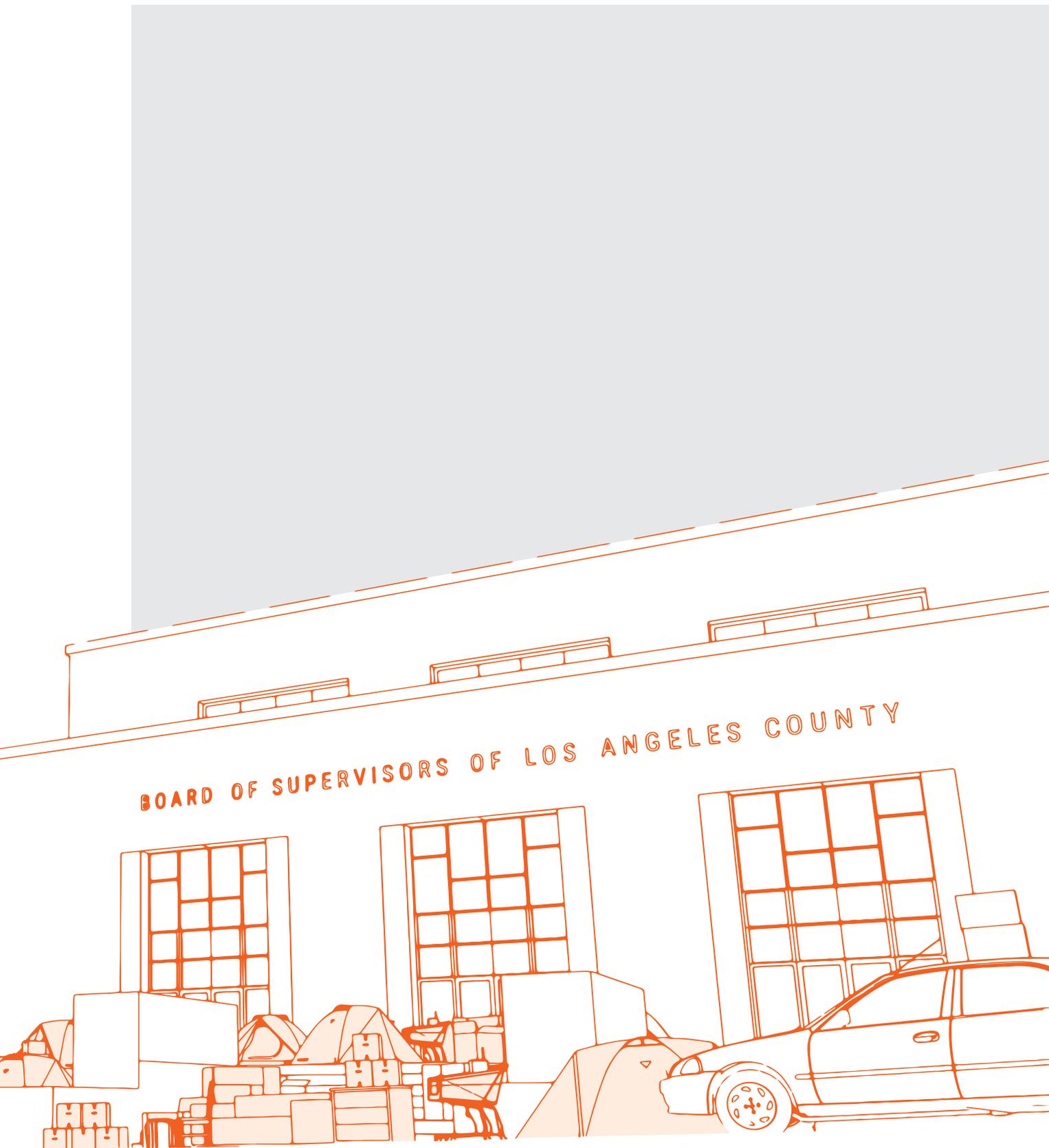
—Emari Basto, tenant in unincorporated Los Angeles County

III. Policy Recommendations

Los Angeles County is on the cusp of providing real relief to hundreds of thousands of constituents. After two years of discussions, tenant stories, data and policy analysis, and the continued destruction of communities due to evictions and displacement, the Los Angeles County Board of Supervisors is poised to implement significant and much needed policies that will benefit tenants in unincorporated Los Angeles County. The Board took an important first step by implementing the Interim Ordinance for unincorporated Los Angeles County in December 2018, and expanded these protections to include just cause eviction protections for all rental units in April 2019. However, all of these protections are currently set to expire on December 31, 2019, threatening to plunge these constituents into the housing crisis with no local tenant protections.

The following recommendations were formed in collaboration with Eastside LEADS and the Unincorporated Tenants United coalition. The recommendations in this report are also informed by, and in some cases closely track, the recommendations included in the Tenant Protections Working Group's August 2018 Report to the Board of Supervisors.¹⁰⁸ These policy recommendations are intended to be considered together as part of a comprehensive tenant protection policy package.





Adopt a Comprehensive, Permanent Rent Stabilization and Just Cause Eviction Ordinance

Building on the success of the Interim Ordinance, the County should adopt a permanent tenant protection ordinance that includes rent stabilization for all units eligible under state law, just cause eviction protections for all rental units, as well as improved notice requirements and oversight. The permanent ordinance should limit rent increases for eligible units to one increase per year, based on the percent change in the Consumer Price Index, but not to exceed 5%. The County should require landlords to register their units and report the rent and other important information for a database that is easy for tenants and tenant advocates to access. To avoid large, potentially destabilizing rent increases, landlords should not be permitted to “bank” rent increases allowed in one year to use in a later year.

State law requires that the County allow property owners to evict tenants if the owner is permanently removing the unit from the rental market, but the County can and should require property owners to pay tenants a substantial relocation fee that fully compensates tenants for the cost of finding new housing. Similarly, if the County allows property owners to evict tenants for the owner to move in, the owner should be required to pay a relocation fee. In both cases, landlords should be required to provide tenants additional notice of their intent to withdraw the unit, to the extent allowed by state law. Landlords that abuse this process should be subject to penalties.

In order to effectively implement the permanent ordinance, the County should appoint a nine-person rent board which includes tenant representatives and reflects

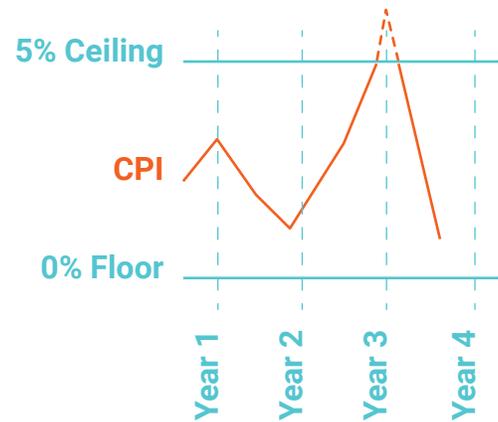
the gender, immigration status, language, income, and racial diversity of the County. If the County assesses fees to administer the rent control program, those fees should be assessed against the landlord. The County should explore calculating these fees as a percent of the rent, rather than as a flat per unit fee.

While state law limits the ability to apply rent control to single family homes and apartment buildings built after 1995, the County should explore other options to improve the housing stability of these tenants. In addition to providing just cause eviction protections, which is not prohibited by Costa Hawkins, the County should require landlords pay a relocation fee to tenants who are economically displaced as a result of rent increases exceeding 7%.

These policies are discussed in detail in the following pages.

i. Limit Annual Rent Increases to the Change in the Consumer Price Index, with a Floor of Zero Percent and a Ceiling of Five Percent

Rent increases should only be allowed once per year and should not exceed 100% of the change in Consumer Price Index (CPI), with a floor of 0% and a ceiling of 5%. In effect, this means that rent increases would be tied to inflation, but capped at 5% in the unlikely event that inflation is more than 5% in a given year. The floor of 0% and the ceiling of 5% will protect both tenants and landlords in times of deflation or high inflation. Pursuant to state law, this rent stabilization policy can only apply to units built before 1995 on parcels with multiple units.¹⁰⁹



Every other rent-controlled jurisdiction in the state limits rent increases to once per year and limits allowable rent increases to a percentage of the change in CPI. Several jurisdictions also include a floor and/or a ceiling to provide protection against unusual periods of deflation and inflation.¹¹⁰

ii. Maintain the Just Cause Eviction Protections Provided in the Interim Ordinance

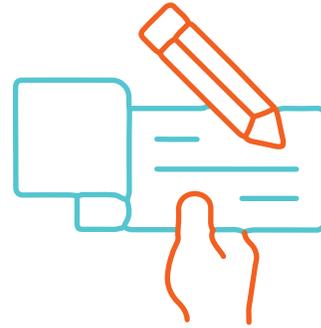
The Interim Ordinance passed by the County Board of Supervisors in November 2018 included just cause eviction protections for all rental units covered by rent stabilization.¹¹¹ In April 2019, the Board extended the Interim Ordinance and expanded the just cause eviction protections to all rental units in unincorporated Los Angeles County.¹¹² The Interim Ordinance allows for four for-cause termination grounds: failure to pay rent; violation of a material rental agreement provision; failure to allow access to the unit after the landlord has requested permission to enter with a reasonable amount of notice to the tenant; and use of the unit “to create a nuisance or for an illegal purpose.”¹¹³ The Interim Ordinance also allows for two no-fault termination grounds, allowing the landlord to evict a tenant if the landlord wants to exit the rental housing market or if the landlord or landlord’s family member would like to move into the unit.¹¹⁴

The enactment of just cause eviction policies provides tenants strong grounds to fight arbitrary, discriminatory, or retaliatory evictions.¹¹⁵ The County should maintain these enumerated grounds in a permanent ordinance, refrain from adding new grounds, and explore extending and strengthening the policy as discussed below. The Board should also maintain the Interim Ordinance’s requirement that landlords file eviction notices with the County Department of Consumer & Business Affairs. Additionally, the Board should consider amending the owner move-in provision to require that the owner utilizing the no-cause provision have at least a 51% ownership stake in the property and track, or go beyond, the protections offered in Los Angeles and Santa Monica.¹¹⁶ This amendment can limit abuse of the owner-move-in provision.



iii. Require Relocation Payments to Tenants Who are Evicted on No-Cause Eviction Grounds

Landlords invoking no-fault eviction grounds should be required to pay tenants relocation assistance to compensate the tenants for their move. Relocation assistance amounts should reflect the true costs paid by tenant households to leave a home, including the costs to take time off of work or school to pack up belongings and move, and the costs associated with finding a new home, including, but not limited to, a new security deposit and first and last month's rent. The best way to determine the appropriate relocation amounts is to conduct a study of the housing market. The County should adopt the relocation amounts implemented by the City of Los Angeles, a bordering jurisdiction, until it can conduct a housing study that supports higher relocation amounts for unincorporated Los Angeles County.



The City of LA requires varying amounts of relocation payments depending on the following factors: the income of the tenant household, the tenure of the tenant household, and whether the tenant household includes schoolchildren, a senior citizen, or an individual with a disability.¹¹⁷ When conducting its own housing study, the County should include these factors to justify higher amounts, as well as the size of the tenant household.

iv. Require Landlords to Annually Register Rents for All Units

Los Angeles County should implement a rent registry, which will allow the County to monitor the success of the permanent ordinance, help identify illegal rent increases, and react to housing trends as they appear.

Several rent-controlled jurisdictions throughout the state require landlords to register their residential rental units. Some jurisdictions, such as Mountain View and Richmond, collect this information simply to bill the appropriate property owners for the fees needed to run their local program. Other jurisdictions, such as Santa Monica and Berkeley, collect a broad range of information regarding the units subject to their rent control ordinance and maintain a publicly searchable database.

The County's rent registry should include the following information: the address of the unit, the number of bedrooms in the unit, the current rent, the date of the last rent increase, the date of move-in for the current tenant, a general description of the amenities included with the residential unit (i.e. a parking spot, a storage space, etc.), and the date of the last inspection by a County department.

Los Angeles County's registry should also be publicly searchable. A publicly searchable rent registry allows community stakeholders and public officials to more readily identify shifts in the housing market, identify bad actors, and makes it convenient for tenants to check if rent increases are legal.

Finally, if the ordinance includes a definition of a "small landlord" or a "mom and pop landlord," that information should be included in the public registry. The registry should also document whether the rental unit is owned by a large corporate entity. Any changes in rent, any changes in the amenities included with the unit, or any changes in tenancy should require a new report to be filed with the County.

v. Assess Fees on Landlords to Fund the Rent Stabilization Program

The fees necessary to administer a rent stabilization ordinance should be assessed to landlords. The County should explore whether those fees should be calculated as a percentage of the registered rent, or as a flat per unit fee.

In almost all rent-controlled jurisdictions in the state, the local jurisdiction assesses a small fee on each residential rental unit subject to regulation to cover the cost of administering the ordinance.¹¹⁸ This fee allows the rent program to be administered without spending from the jurisdiction's general fund. For example, two of the most robust rent control programs in the state—in the cities of Santa Monica and Berkeley—are cost neutral.¹¹⁹ The cities' rent control boards set an annual operating budget, and then assess fees based on how much is necessary to cover their budget. As a result, the rent boards in each city do not require any funding from their city government; in fact, in the Santa Monica Rent Board's almost 40-year history, they have only required a city loan once and it was repaid in full.¹²⁰ These fees can range from \$15-25 per month per residential unit and is dependent on how robust the RSO is as a whole.

While rent stabilization programs can feasibly be financed with modest fees on landlords, the County should also explore using County general funds to partially subsidize the administration of the ordinance to reduce costs to landlords and alleviate the risk that landlords pass these costs on to their tenants.

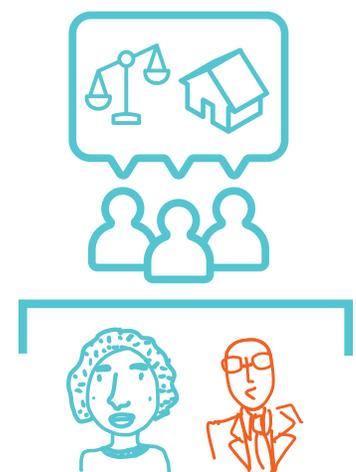


vi. Create a Rent Board to Make Rules, Enforce Regulations, and Adjudicate Disputes Between Landlords and Tenants

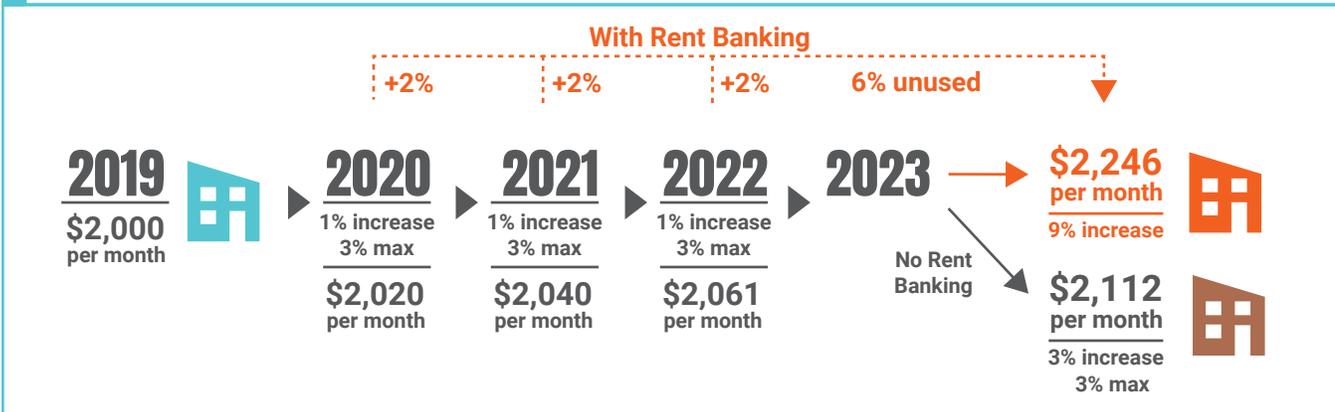
The County should create a Rent Board, consisting of nine Los Angeles County residents, to oversee the administration of the permanent ordinance and hear petitions arising from rental grievances.

Each Supervisor should appoint a member to the Rent Board. The remaining four at-large members should represent the following constituencies: a long term (15 years minimum) Los Angeles County resident, a low-income Los Angeles County resident, a small landlord, and a housing justice advocate. The Board of Supervisors as a whole should appoint these four members. The Board of Supervisors should make every effort to ensure that the Rent Board is representative of Los Angeles County along racial, gender, income, immigration status, and language lines.

The Rent Board should be empowered to hear both tenant and landlord petitions. Tenant petitions may include requests to decrease rent in light of reduction in services, such as loss of parking, elevators, recreation, utilities, waste removal, laundry, or furnishings. Landlord petitions may include requests to raise rent beyond the maximum allowable rent increase to ensure a fair rate of return and pass through expenses for capital improvements, subject to the capital improvements limitations.



vii. Prohibit Rent Banking



Assume that Household A has a monthly rent of \$2,000. In 2020, the annual allowable rent increase is 3%. Therefore, their landlord can raise the rent \$60/month. However, their landlord only raises the rent 1% or \$20/month. This happens again in 2021 and 2022.

In 2023, the annual allowable rent increase is 3% again. Without banking, a rent increase of 3% would result in a new rental amount of \$2,112/month in 2023. If rent banking is allowed, Household A's landlord can raise their rent 9%, or to a total of \$2,246/month. Such a large rent increase poses the risk of destabilizing many tenant households.

No rent banking should be allowed.

Rent banking is the practice of allowing landlords who do not raise rents to the maximum allowable limit in one year the ability to raise the rent above the allowable rent increase in a future year. Uncontrolled rent banking could allow a landlord to save partial rent increases for several years and then impose an unreasonably large and destabilizing rent increase.

The practice of rent banking often undermines the main principle of rent stabilization. That is, rent banking can result in a large rent increase that displaces a household that cannot afford such a large rent increase at one time. It can also contribute to confusion and conflict between landlord and tenant over past rent increases that were or were not issued.

viii. Create a Capital Improvements Process that Allows Landlords to Recoup Costs for Improvements to their Property with Limitations to Protect Tenants

The Interim Ordinance includes a petition process that allows landlords to individually petition for rent increases if the landlord can demonstrate that they are not making a fair and reasonable return.¹²¹ This is legally required and is included in every local rent control ordinance across the state. However, several rent controlled jurisdictions also have a second, streamlined petition process for capital improvements made to a residential rental property. Capital improvements typically refer to major upgrades or rehabilitation work, such as replacing the roof or replacing the heating system for the entire apartment complex. Once the landlord receives approval from the governing agency (typically the Rent Board) for the capital improvement project, a certain percentage of the cost can be passed on to each household above the typical rental amount.



Expenses associated with capital improvements may be passed to tenants beyond the maximum annual rent increase by petition only; however, the maximum rent increase should never exceed two times the annual allowable rent increase. Capital improvement expenses that are passed to tenants should be amortized by the length of the useful life of the capital improvement. After capital improvements are paid back, the rent should be reduced to the otherwise allowable rent.

Creating a streamlined capital improvements process will strike a careful balance between encouraging landlords to maintain their residential units and creating safe and healthy residential units for their tenants, without overly burdening tenants with the costs of the improvements.

ix. Prohibit Evictions and Terminations Due to Change of Ownership or Foreclosure of the Unit or Building

Tenants should not be evicted solely due to a change in ownership of the unit or due to a foreclosure.

During the foreclosure crisis of 2008, many media outlets focused on homeowners. But tenants lost their homes too when their landlord's property was foreclosed on.¹²² All too often, tenants were not even aware that the property was undergoing foreclosure until the new owner took possession of the property. As a result, many jurisdictions, including the City of Los Angeles, amended their RSOs to clarify that the protections applied even when a residential property changed hands through sale or foreclosure.¹²³ The County's ordinance should include the same provision to clarify the duties and rights of all parties involved when a rental unit changes ownership.



x. Prohibit No-Fault Evictions of K-12 Students During the School Year

A family should not be subject to a no-fault eviction during the school year if the unit is the primary residence of a child attending a K-12 institution.

As discussed in Section I, children suffer a host of emotional, psychological, and social consequences when they experience involuntary moves and housing instability. This harm can be compounded when students are forced to move mid-school year. In order to promote the health and well-being of the County's school children, the County should protect tenants from receiving no-fault evictions during the school year for households with school-age children. Evictions for cause, such as failure to pay rent or breaking a material provision of the lease, would not qualify for such a delay. This type of protection has been enacted in Santa Monica,¹²⁴ East Palo Alto¹²⁵ and San Francisco.¹²⁶



xi. Provide Economic Displacement Assistance to Tenants in Units Not Eligible for Rent Stabilization.

The County should explore all options to protect tenants who are living in units that cannot be covered by rent stabilization due to state law restrictions, such as single-family homes.

Specifically, the County should give any tenant that receives a notice of a rent increase that is greater than a certain percentage, such as 7%, the right to accept the rent increase, or vacate the unit with the help of relocation assistance from the landlord. The relocation assistance amount should be set at the same levels as described in subsection iii.

Similar economic displacement assistance policies have been enacted recently in the cities of Glendale¹²⁷ and Santa Cruz.¹²⁸ The City of Inglewood is currently considering a similar policy.¹²⁹



xii. Require Landlords to Give Tenants Enhanced Notice

Landlords should be required to provide Know Your Rights materials to their tenants at the start of their tenancy, with any rent increase notice, and with any notice of termination. These materials should also be posted in common areas throughout the property. The County should prepare these materials at no cost and make them publicly available. These materials should be published in the top 15 languages spoken in California,¹³⁰ and include annotated versions of County form notices for rent increases and termination of tenancy. When feasible, the landlord should provide copies of the lease and any notices to the tenant in the tenant's preferred language.

The County should also continue exploring other means of funding and supporting educational outreach to all tenants and landlords so that County residents are aware of their obligations and rights under this new ordinance.



xiii. Provide Tenants Subject to Ellis Act Evictions a Right of Return

Under the Interim Ordinance, tenants can receive a no-fault eviction when a landlord wants to take a rental unit off the rental housing market. This is required under the state Ellis Act. However, the Ellis Act also allows local jurisdictions to enact certain tenant protections in the event that the property owner returns the residential units to the rental market. If a tenant is evicted under the Ellis Act, and that unit is returned to the rental market within 10 years of the eviction, the tenant should have the right to return to the unit from which they were evicted at the previous rental price, plus the allowable annual rent increases. The County should also adopt other regulations on withdrawing units to minimize loss of rent stabilized units to the full extent allowed under state law, and enact fines and penalties for landlords that abuse the Ellis Act.

xiv. Regulate Tenant Buyouts

The County should implement safeguards to protect tenants that are offered a payment to move out of their apartment, often referred to as “cash for keys” agreements. These types of agreements are more common in jurisdictions with RSOs because, in jurisdictions without rent stabilization or just cause eviction protections, landlords can easily force tenants out of their units involuntarily.

The County should implement a Tenant Buyout Notification Program, similar to those in neighboring jurisdictions like the City of Los Angeles and Santa Monica.¹³¹ A landlord interested in paying their tenant to end their tenancy must provide the tenant information about their rights under the RSO, including the relocation amount they would be entitled to under a no-fault eviction. The landlord must also provide the terms of the tenant buyout in writing in the tenant’s primary language, if feasible, and allow the tenant at least thirty days to rescind the agreement after signing. This time period allows the tenant to access legal counsel or other services to ensure they understand their rights and obligations under the proposed agreement. Finally, the buyout agreement should be filed with the County, and the basic terms of the agreement should be included in the rent registry, as the city of Santa Monica does with tenant buyouts in their jurisdiction.¹³²



Adopt Complementary Tenant Protection Policies to Maximize Tenant and Community Stability

Rent control and just cause eviction protections are most effective when paired with complementary policies that reinforce and strengthen a tenant's right to safe, decent, and affordable housing. The County should consider adopting policies for enhanced code enforcement, tenant outreach and education efforts, eviction defense resources and pre-eviction services, and limitations on the conversion of rental units into condominiums. The County should implement these policies as soon as possible after adoption of the permanent ordinance described above.

i. Enhanced Code Enforcement

An enhanced code enforcement program that includes systematic inspection of all rental units and effective mechanisms to ensure compliance with orders to cure code violations is a crucial piece of a comprehensive tenant protection scheme. The City of Los Angeles has successfully implemented a systematic code enforcement program for rent stabilized units, dramatically improving the quality of the rental housing stock.¹³³ From 2007 to 2017, there was a significant decrease in issuances of Notices of Substandard Condition, which indicates significant health or safety violations, from over 1800 to just 209.¹³⁴ A systematic code enforcement program would require proactive inspections, not just inspections following complaints filed by tenants or landlords. In the City of Los Angeles, this means that every rental unit is inspected on a two or four year cycle, depending on past violations.¹³⁵ Furthermore, the city has a companion program, the Rent Escrow Account Program (REAP), which allows the city to take heavy enforcement action against landlords who have been extremely neglectful of their properties.¹³⁶ REAP grants tenants a rent reduction based on habitability violations that inspectors identified, and allows tenants to pay this reduced rent to an escrow account instead of paying the landlord. Both the landlord and the tenants can access the escrow account to make necessary repairs until the building is deemed sufficiently up to code to exit the REAP program.¹³⁷

In April 2019, the County requested that the Community Development Commission, along with the Departments of Public Health, Public Works, and Regional Planning, report back on the conditions of the County rental housing stock in order to prepare for a Countywide code enforcement program.¹³⁸ The County should continue this progress and carefully consider how the County can adapt and improve on local code enforcement programs like the SCEP and REAP programs in the City of LA to create the strongest code enforcement program in the state.

ii. Establish Programs to Assist Low-Income Landlords with Building Maintenance and Energy Efficiency Upgrades

In addition to an enhanced code enforcement program, the County should consider expanding programs to assist low-income landlords with building maintenance and energy efficiency improvements. Such programs would help low-income landlords comply with code requirements and improve living conditions for tenants. Energy efficiency investments will yield environmental benefits, increase the value of the landlord's property, and save tenants money. Several local jurisdictions, including Los Angeles County, already have programs that offer low-interest loans or repair assistance to homeowners who are low-income, elderly, disabled, or otherwise qualified.¹³⁹



iii. Tenant Education and Outreach

While rent control and just cause eviction protections will greatly improve the legal protections available to tenants, the effectiveness of these protections will be limited if tenants, in practice, do not know about or are not able to assert their rights. For legal protections to be most effective, the County should invest in robust tenant outreach and education efforts, both by the County department implementing the program and by partnering with community-based organizations.

In April 2019, when the Board extended the Interim Ordinance, they also granted the Department of Consumer and Business Affairs (DCBA) the authority to partner with community organizations to conduct education and outreach to the approximately 400,000 tenants in unincorporated Los Angeles County.¹⁴⁰ Providing education to these tenants will require the County to utilize those community organizations, neighborhood associations, community centers, and other stakeholders to the full extent possible. The County should also explore using its own sources of communication, including social media, radio and television commercials, bus advertisements, etc., to inform residents of their rights and obligations under new tenant protection laws.



iv. Right to Counsel in Eviction Proceedings

The County should follow the lead of New York City, San Francisco, Philadelphia, Washington, D.C. and other major cities in exploring the best means of establishing a funded right to counsel for low-income tenants in eviction proceedings. Defendants in criminal proceedings have long had the right to a government appointed attorney, but only recently have jurisdictions began to expand this right to similarly consequential civil proceedings.¹⁴¹ Like criminal proceedings, civil proceedings can lead to devastating consequences for individuals and families, like the loss of one's home or deportation. Across the nation, 90% of tenants facing eviction do not have legal representation, but 90% of landlords do have representation in these proceedings.¹⁴² As a result, many tenants lose their homes due to their inability to present valid, legal defenses to their eviction. Rights, including those that would be established with a permanent rent stabilization and just cause eviction ordinance, which are not asserted are lost. But, when a right to counsel is provided, rights can be asserted, homes saved, and displacement averted. For example, in New York City, funding for tenant legal services was increased substantially starting in 2014 with a right to counsel established in 2017.¹⁴³ As a result, evictions have dropped 27% since 2013, including a full 5% in 2018, the first year of implementation of the program.¹⁴⁴

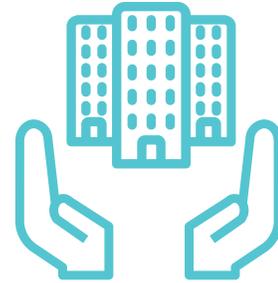
As part of a Right to Counsel program, the County also needs to invest in pre-eviction services and emergency rental assistance. Pre-eviction services can help tenants learn their rights, provide tenants with guidance on accessing other sources of assistance like disability benefits, and assist tenants in negotiating with their landlords to avoid an eviction proceeding. The County should also provide additional emergency rental assistance for those households who simply need help bridging a one-time gap in their finances and explore options for assisting seniors and individuals with disabilities who are surviving on a small, fixed income.

During debates over the Interim Ordinance, Supervisor Mark Ridley-Thomas requested a report back on the potential for creating a right to counsel program for tenants facing eviction proceedings.¹⁴⁵ In May 2019, Supervisors Ridley-Thomas and Sheila Kuehl requested a more in-depth study.¹⁴⁶ The Board directed the Chief Executive Officer, in partnership with the DCBA, to analyze other universal representation programs across the country, where the funding could come from, and what the contours of the program would look like for the County, including exploring potential partnerships with cities within the County.¹⁴⁷ The County should create a Right to Counsel program that will strengthen the tenant protections currently in place and those implemented in the future. The County should also consider partnering with the City of Los Angeles as they move towards implementing Phase One of a Right to Counsel program in their jurisdiction.



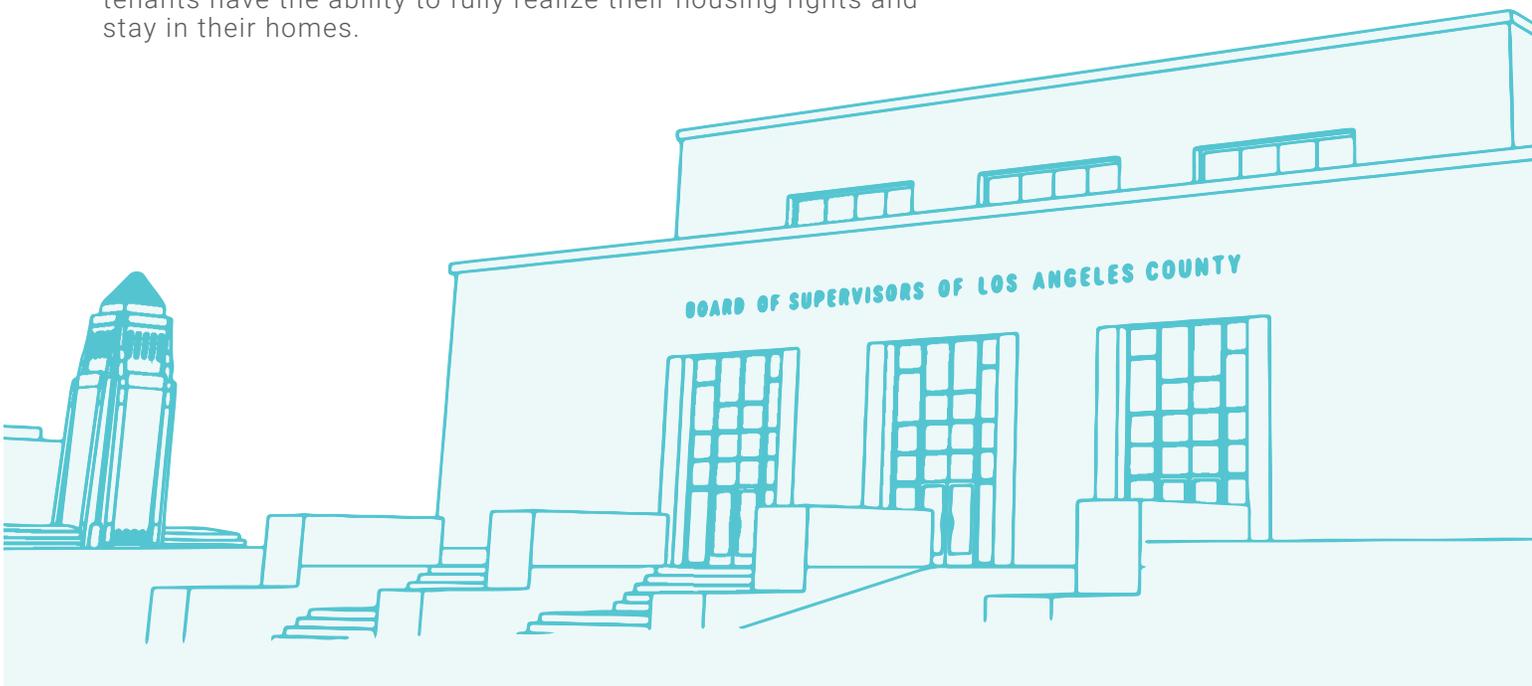
v. Regulate Condominium Conversions and Preserve Rent Controlled Housing

Consistent with state law, the County should limit the number of rental units that can be converted into condominiums or other uses. Empirical studies of rent control have found that the significant benefits that rent control provides to tenants can be undercut if landlords evade rent stabilization policy by removing units from the rental market.¹⁴⁸ The Ellis Act allows jurisdiction to regulate the conversion of existing housing to condominiums or other uses, and the County should adopt such regulations.¹⁴⁹ Condominium conversion regulations are regularly adopted in jurisdictions that have RSOs in order to best effectuate the intent of tenant protection policies to keep housing stable and affordable for the residents of the city.¹⁵⁰ The County should consider substantially limiting the ability to convert rental housing to condominiums based on the vacancy rate, such as is done in Santa Monica,¹⁵¹ as well as limiting annual conversions to a fixed percentage of the total rental housing stock, such as is done in San Francisco.¹⁵² The County should also consider allowing the Department of Regional Planning to deny condominium conversion applications if it is found that the condominium conversion would have a disproportionate adverse impact on the neighborhood's overall housing stock. Finally, the County should explore policies to facilitate tenants' ability to purchase their rental property in the event of a sale or conversion by the property owner.¹⁵³



Support State Law Reforms that Enhance Tenant Protections and Remove Barriers to Local Tenant Protection Policies

As the largest County in the nation, the Board of Supervisors has the ability to influence both the state legislature and other local jurisdictions on crucial housing issues. The County should support efforts to reform state laws to enhance the County's ability to protect tenants. Specifically, the County should support efforts to amend the Ellis Act, so that it cannot be used as a loophole for landlords to evade tenant protections, and the Costa-Hawkins Act to remove restrictions that limit the County's ability to protect tenants in single-family homes and units built after 1995. Furthermore, the County should support statewide just cause eviction protections, a tenants' right to organize, and anti-rent gouging laws to protect tenants in jurisdictions without such local protections. Finally, the County should support statewide efforts to finance a tenants' right to counsel so that tenants have the ability to fully realize their housing rights and stay in their homes.



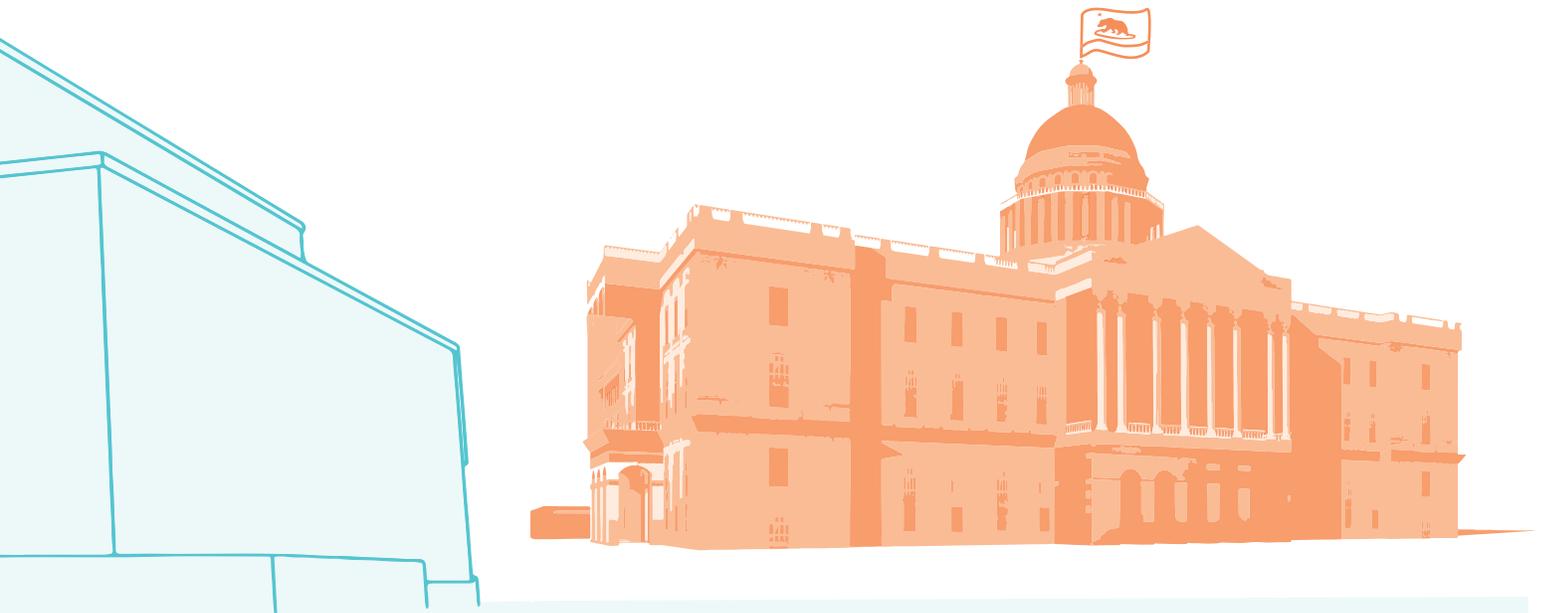
The County Board of Supervisors should actively support strong tenant protection bills in the state legislature. In 2019, Housing Now!'s Keep Families Home Bill Package¹⁵⁴ was poised to help make a serious dent in the crisis, but ultimately the legislature failed to advance many of the core provisions.

The Bill Package consisted of three bills: Assembly Bill (AB) 36 (Bloom), AB 1481 (Bonta), and AB 1482 (Chiu). AB 36 would have reformed the Costa Hawkins Act, allowing local jurisdictions to apply (or extend) rent control to single-family homes and condominiums, with an exception for properties owned by landlords who own ten or fewer rental units. AB 36 would also have removed the arbitrary ban on applying rent stabilization to units constructed after February 1995, and would allow local jurisdictions to cover units that are more than twenty years old. AB 1481 would have dramatically strengthened the anemic state protections provided to tenants in the face of an eviction by requiring landlords to identify a

cause for eviction, essentially extending just cause eviction protections to all tenants in the state. AB 1482, commonly referred to as the anti-rent gouging bill, would have limited allowable annual rent increases and would have applied to almost all rental units in the state.

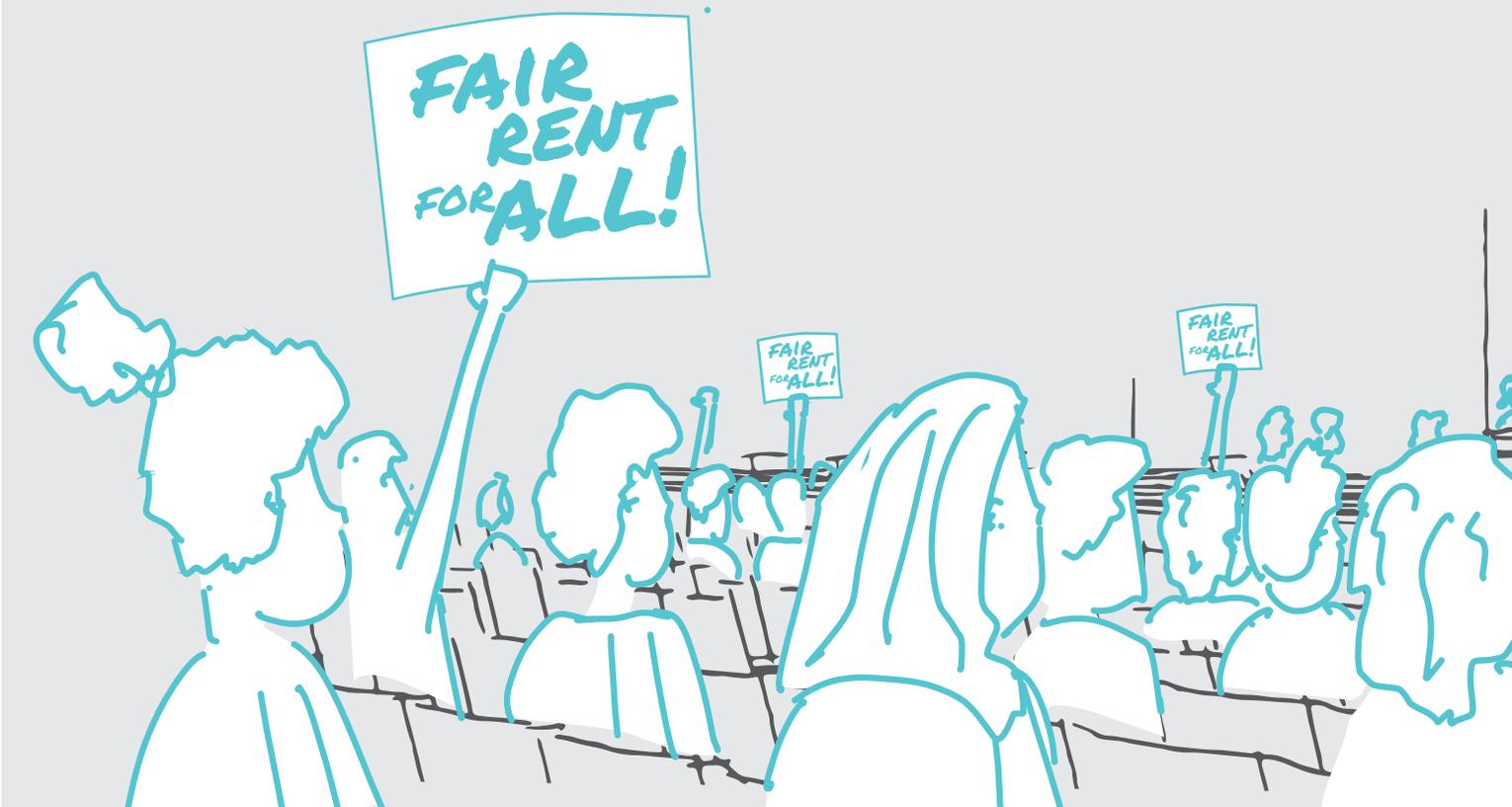
In May 2019, the Board of Supervisors voted to support both AB 1481 and 1482.¹⁵⁵ However, at the time of publication, it appears that AB 36 and AB 1481 will not make it through the legislative cycle this year.¹⁵⁶ AB 1482 has been significantly amended to increase the allowable rent increase, exempt many buildings, and decrease the time it will apply.¹⁵⁷

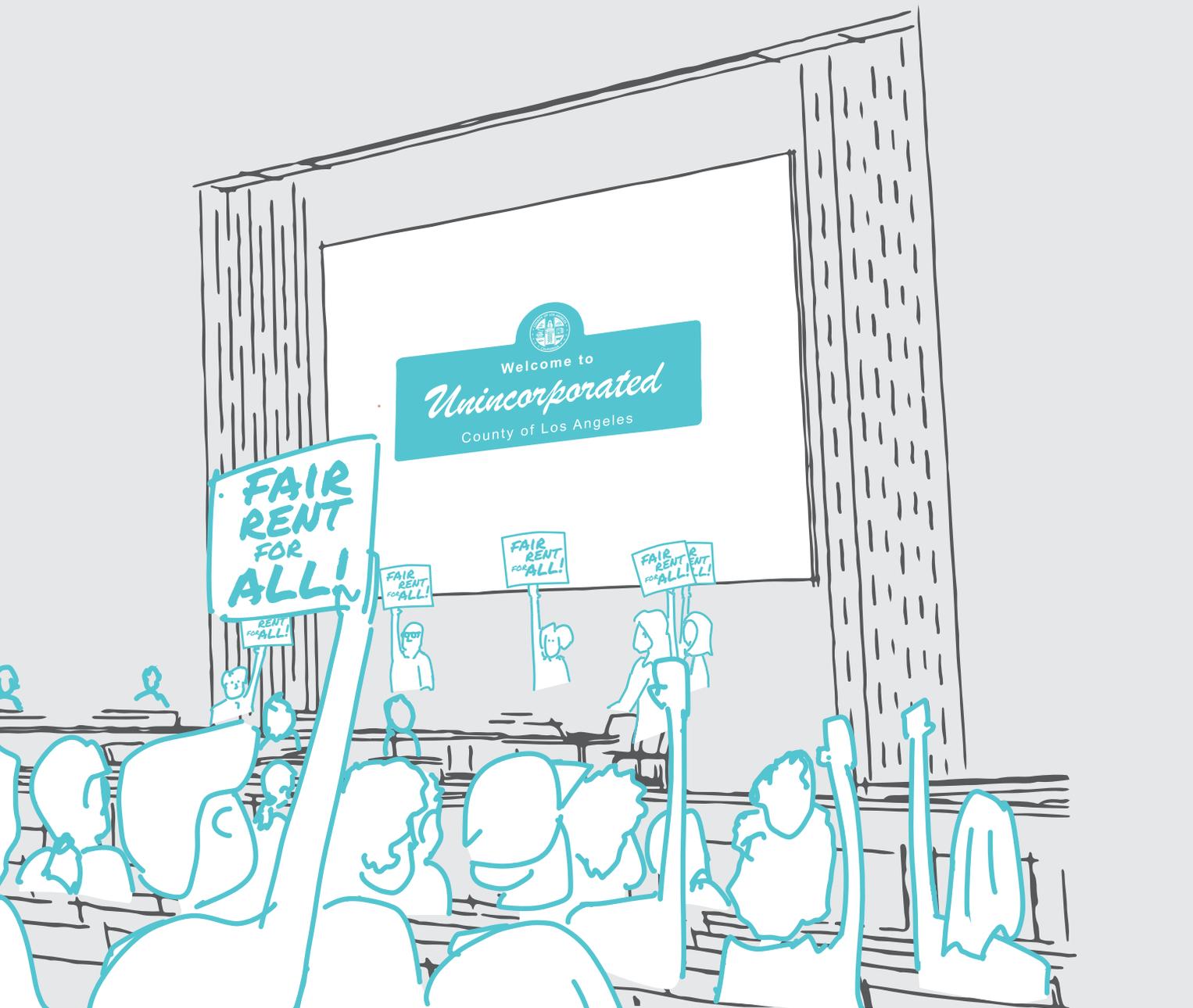
These policies would have provided much needed protection to the state's tenants. The Board of Supervisors should continue actively supporting similar efforts in the coming years.

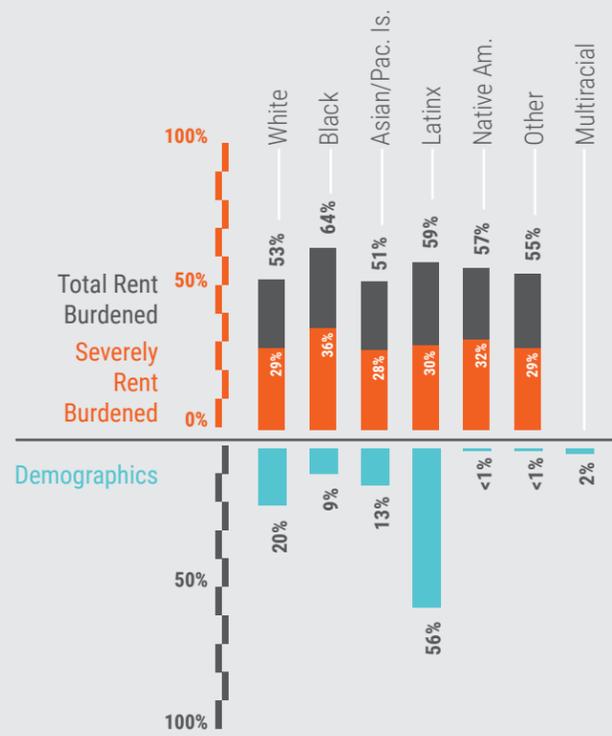


IV. Conclusion

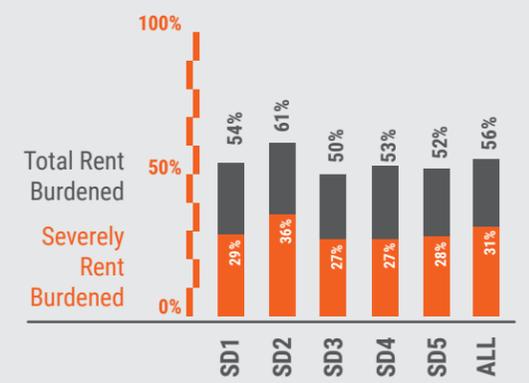
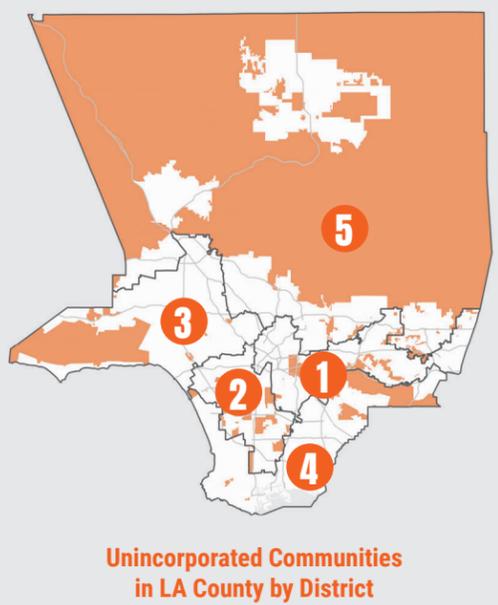
This report recommends that the Los Angeles County Board of Supervisors use the positive momentum that it has generated in enacting an interim rent stabilization ordinance to strengthen protections for county residents and stabilize unincorporated communities. The Board of Supervisors should adopt a permanent ordinance that provides rent stabilization and just cause eviction protections for all of unincorporated Los Angeles County, advance complementary tenant protection policies, and support state legislation that would unlock opportunities for even stronger tenant rights. These policies allow the County to quickly, cheaply, and effectively improve the housing stability of hundreds of thousands of constituents.







Female Tenants are 22% More Likely to Live in Severely Rent Burdened Households than Male Tenants.



43,564

Units of housing eligible for Rent Stabilization



116,587

Units of housing eligible for tenant protections



403,290

Tenants in Unincorporated Los Angeles County

Can Benefit from Tenant Protection Policies



Today

out of **1,063,309** Residents in Unincorporated Los Angeles County

58% make less than **\$50,000** per year

56% paying at least **30%** of their income to rent

12% increase in tenants since 2010

31% make less than **\$25,000** per year

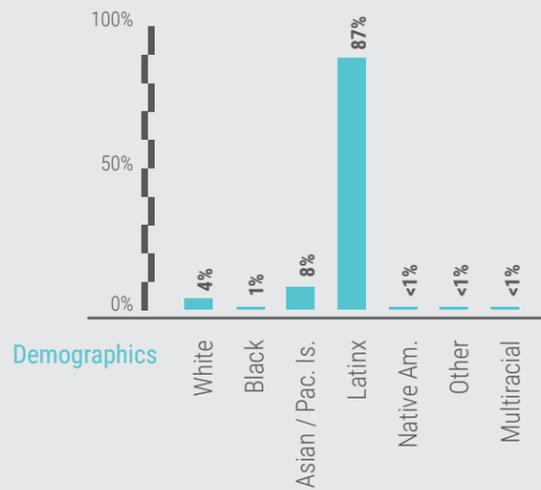
31% paying at least **half** of their income to rent



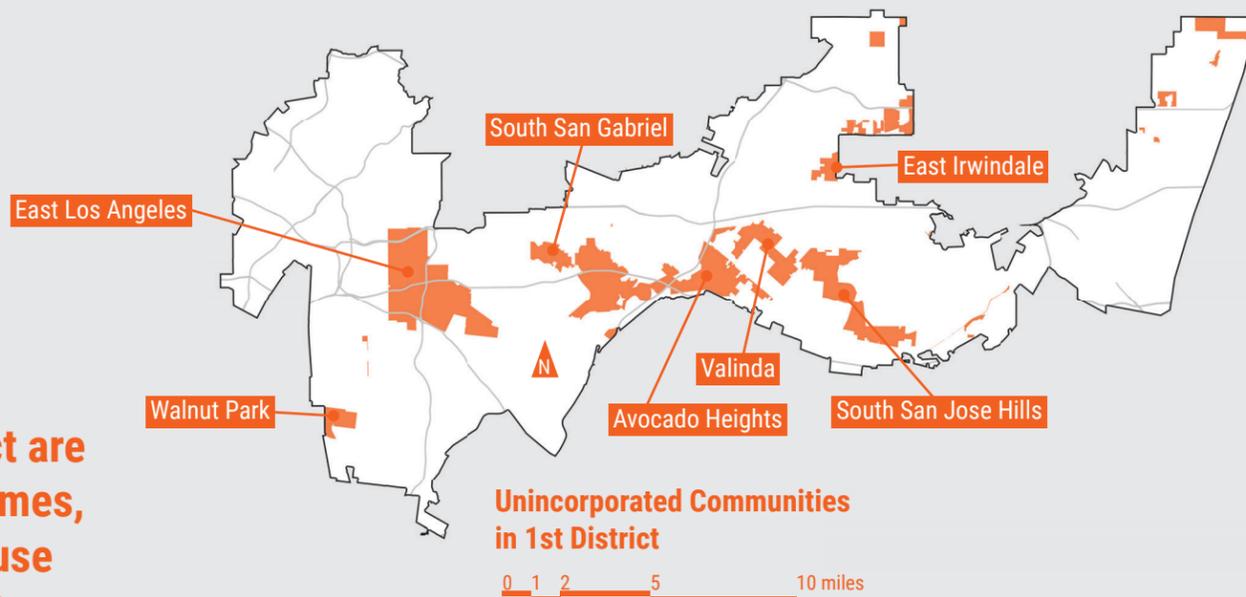
HOW PERMANENT TENANT PROTECTIONS CAN HELP COMMUNITIES PREVENT HOMELESSNESS AND RESIST DISPLACEMENT IN LOS ANGELES COUNTY

Public Counsel and the UCLA School of Law Community Economic Development Clinic On behalf of Eastside LEADS and in collaboration with the Unincorporated Tenants United Coalition

LOS ANGELES COUNTY



Tenants in unincorporated 1st District are increasingly renting single-family homes, making it critical to maintain just-cause eviction protections for all rental units.



10,165

Units of housing eligible for Rent Stabilization



30,601

Units of housing eligible for tenant protections



119,135

Tenants in Unincorporated 1st District



Can Benefit from Tenant Protection Policies



Today

out of **253,408**
Residents in Unincorporated 1st District

8%
increase in tenants since 2010



63%
make less than \$50,000 per year



54%
paying at least 30% of their income to rent

32%
make less than \$25,000 per year



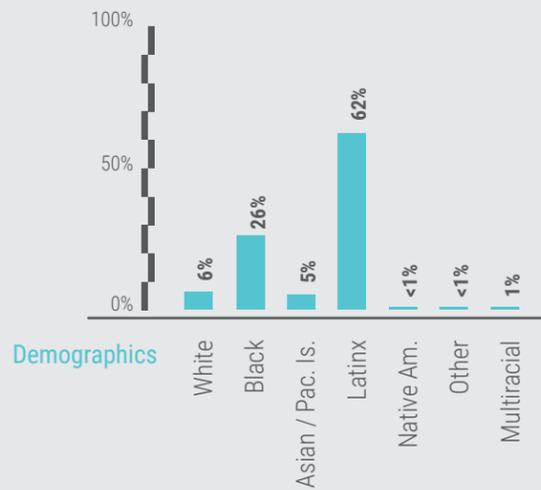
29%
paying at least half of their income to rent



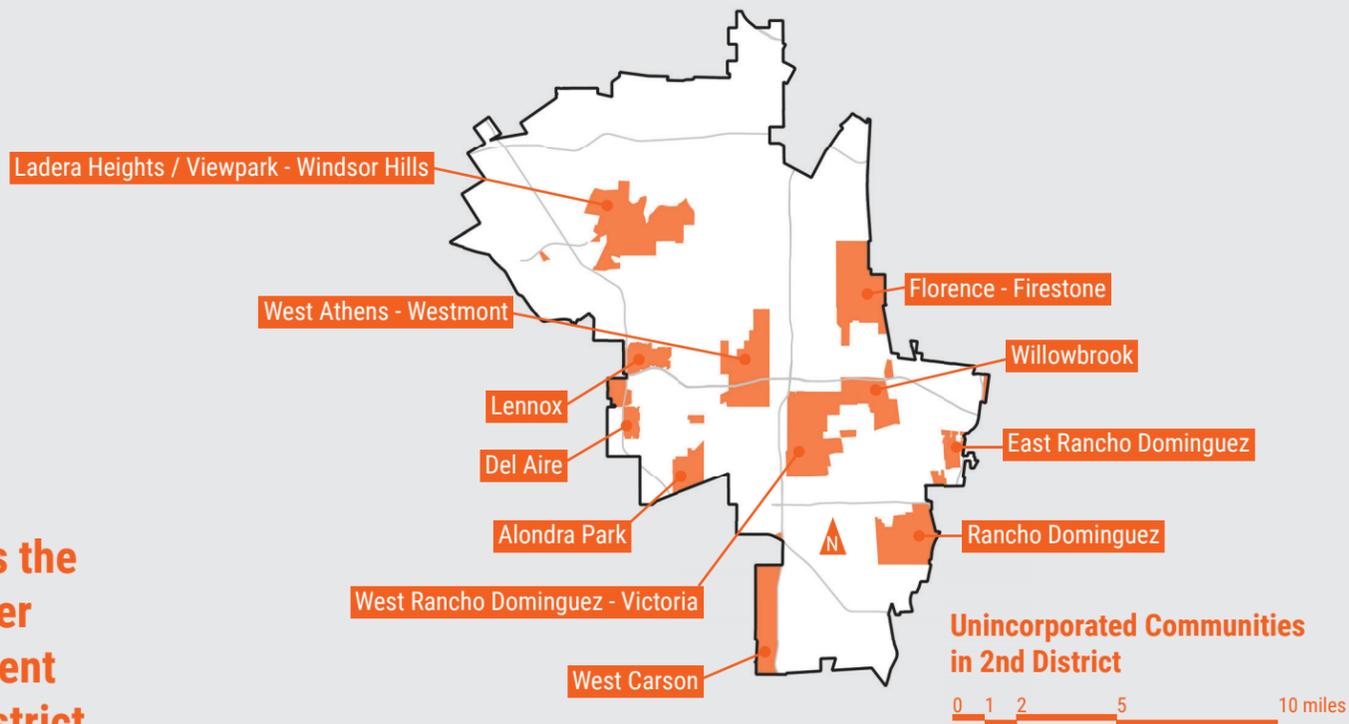
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SUPERVISORIAL DISTRICT 1 LOS ANGELES COUNTY



Unincorporated 2nd District has the highest rates and largest number of rent burdened and severely rent burdened households of any district.



15,080

Units of housing eligible for Rent Stabilization



36,385

Units of housing eligible for tenant protections



127,924

Tenants in Unincorporated 2nd District



Can Benefit from Tenant Protection Policies



Today

out of **253,304**
Residents in Unincorporated 2nd District

12%
increase in tenants since 2010



68%
make less than \$50,000 per year



61%
paying at least 30% of their income to rent

38%
make less than \$25,000 per year



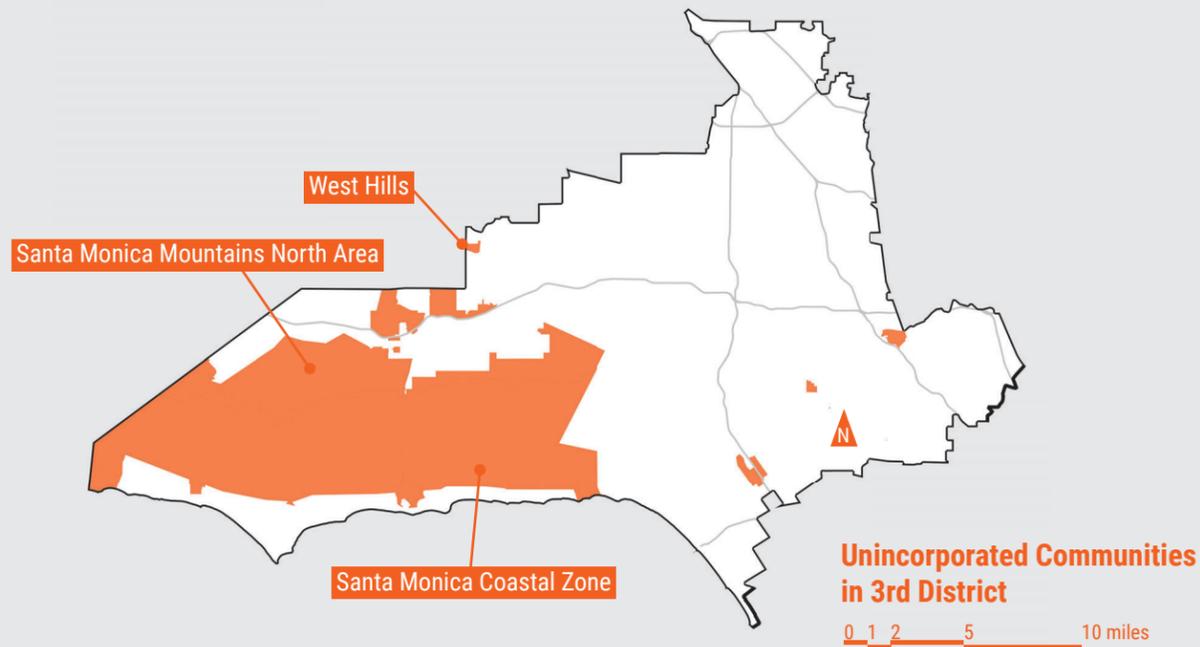
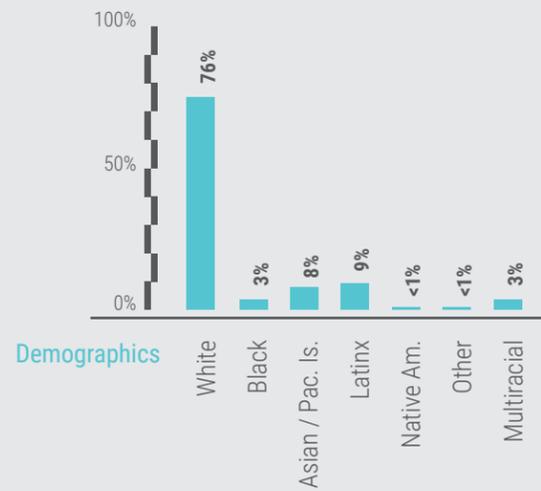
36%
paying at least half of their income to rent



HOW PERMANENT TENANT PROTECTIONS CAN HELP COMMUNITIES PREVENT HOMELESSNESS AND RESIST DISPLACEMENT IN LOS ANGELES COUNTY

Public Counsel and the UCLA School of Law Community Economic Development Clinic
On behalf of Eastside LEADS and in collaboration with the Unincorporated Tenants United Coalition

SUPERVISORIAL DISTRICT 2 LOS ANGELES COUNTY



1,173

Units of housing eligible for Rent Stabilization



3,331

Units of housing eligible for tenant protections



7,600

Tenants in Unincorporated 3rd District



Can Benefit from Tenant Protection Policies



Today

out of **36,289**
Residents in Unincorporated 3rd District

17%
increase in tenants since 2010



50%
make less than \$75,000 per year



50%
paying at least 30% of their income to rent



24%
make less than \$25,000 per year



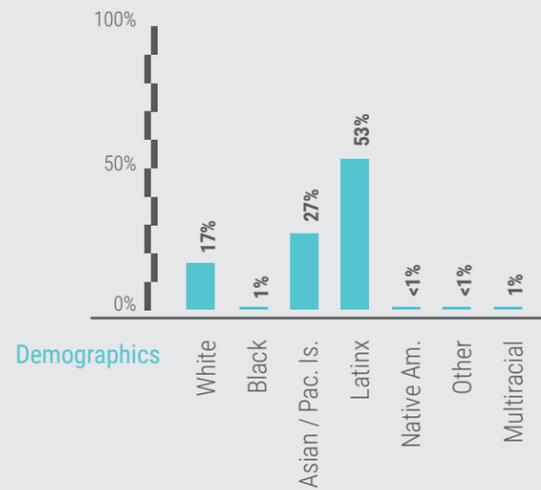
27%
paying at least half of their income to rent



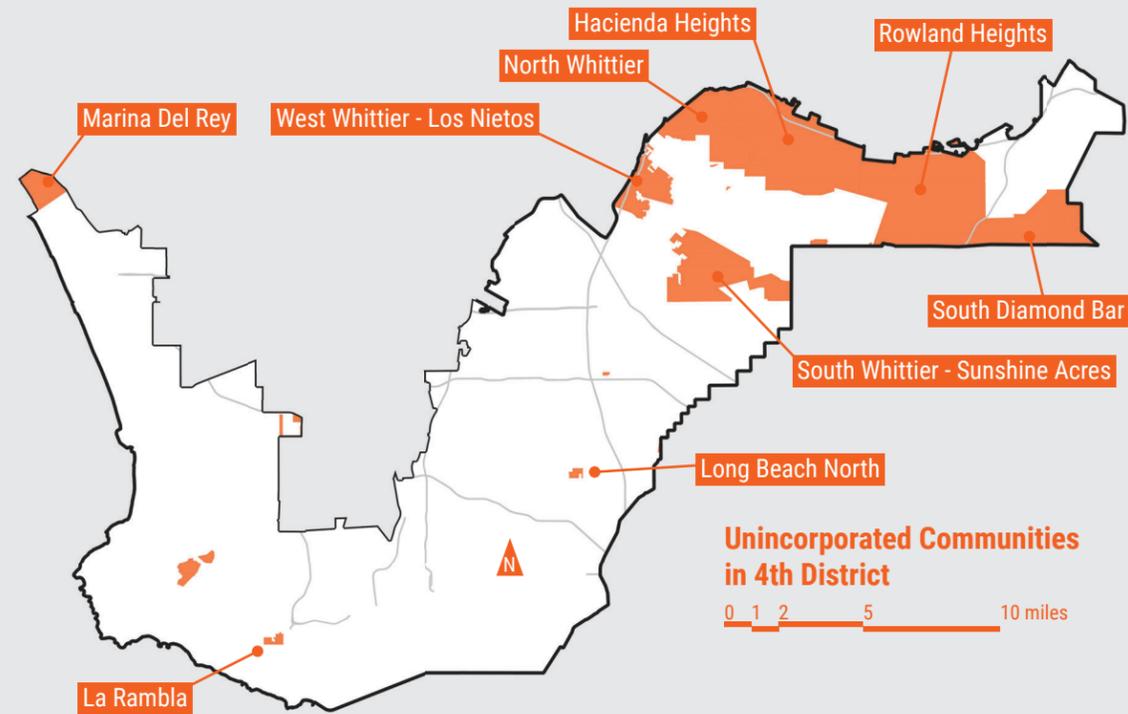
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SUPERVISORIAL DISTRICT 3 LOS ANGELES COUNTY



Unincorporated 4th District has the highest percentage of rental units eligible for rent stabilization.



9,895

Units of housing eligible for Rent Stabilization



20,649

Units of housing eligible for tenant protections



68,758

Tenants in Unincorporated 4th District



Can Benefit from Tenant Protection Policies



Today

out of **210,921**
Residents in Unincorporated 4th District

12%
increase in tenants since 2010



64%
make less than \$75,000 per year



53%
paying at least 30% of their income to rent

23%
make less than \$25,000 per year



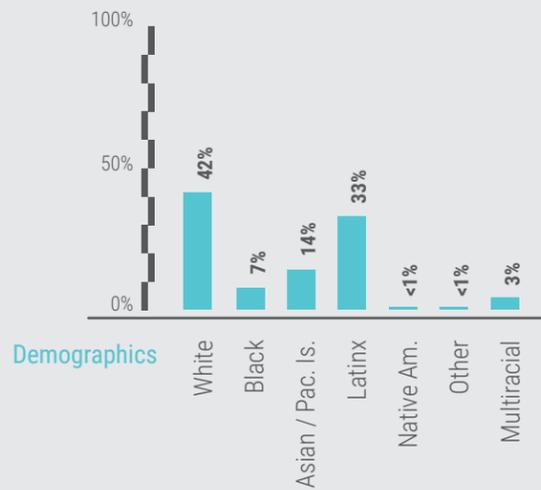
27%
paying at least half of their income to rent



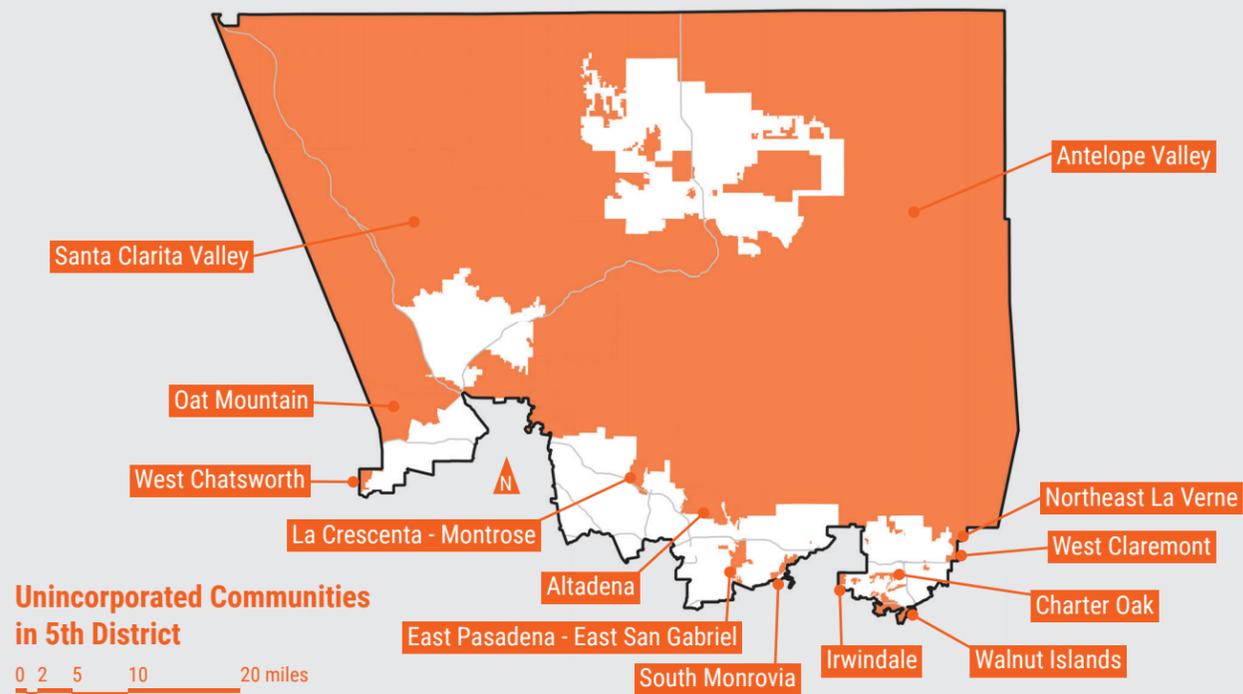
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SUPERVISORIAL DISTRICT 4 LOS ANGELES COUNTY



Unincorporated 5th District had the highest percentage increase in tenants since 2010.



7,220

Units of housing eligible for Rent Stabilization



25,621

Units of housing eligible for tenant protections



79,873

Tenants in Unincorporated 5th District



Can Benefit from Tenant Protection Policies



Today

out of **309,387**
Residents in Unincorporated 5th District

19%
increase in tenants since 2010



51%
make less than \$50,000 per year



52%
paying at least 30% of their income to rent



26%
make less than \$25,000 per year



28%
paying at least half of their income to rent



HOW PERMANENT TENANT PROTECTIONS CAN HELP COMMUNITIES PREVENT HOMELESSNESS AND RESIST DISPLACEMENT IN LOS ANGELES COUNTY

Public Counsel and the UCLA School of Law Community Economic Development Clinic
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SUPERVISORIAL DISTRICT 5 LOS ANGELES COUNTY

Endnotes

- 1 More information about the American Community Survey (ACS) conducted by the U.S. Census Bureau is available at <https://www.census.gov/programs-surveys/acs/>.
- 2 L.A. CTY., CAL., ORDINANCE 2018-0045 (Nov. 20, 2018), <http://file.lacounty.gov/SDSInter/bos/supdocs/130428.pdf>.
- 3 L.A. CTY., CAL., ORDINANCE 2019-0018 (April 16, 2019), <http://file.lacounty.gov/SDSInter/bos/supdocs/134789.pdf>.
- 4 "County Population Totals and Components of Change: 2010-2018," U.S. Census Bureau, accessed May 24, 2019, <https://www.census.gov/data/tables/time-series/demo/popest/2010s-counties-total.html>. The next-largest county—Cook County, Illinois—is roughly half of Los Angeles County at 5.2 million.
- 5 "Unincorporated Los Angeles County," Los Angeles City Department Regional Planning, September 22, 2008, http://planning.lacounty.gov/view/unincorporated_los_angeles_county.
- 6 "2019 Greater Los Angeles Homeless Count Presentation," Los Angeles Homeless Services Authority, updated June 5, 2019, <https://www.lahsa.org/documents?id=3437-2019-greater-los-angeles-homeless-count-presentation.pdf>.
- 7 Rent burden estimates are based 2017 ACS 5-year data released by the Census Bureau. "U.S. Census Bureau Releases 2013-2017 ACS 5-Year Estimates," U.S. Census Bureau News & Updates, December 6, 2018, <https://www.census.gov/programs-surveys/acs/news/updates.2018.html>.
- 8 "Assessing Rent Burden in Metropolitan Areas," Freddie Mac, April 3, 2019, https://mf.freddiemac.com/docs/rental_burden_by_metro.pdf.
- 9 "Affordable Housing," U.S. Department of Housing and Urban Development (HUD), accessed November 19, 2018, https://www.hud.gov/program_offices/comm_planning/affordablehousing/ ("Families who pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care."); Chris Glynn *et al.* "Inflection points in community-level homelessness rates," *Zillow*, December 13, 2018, https://wp.zillowstatic.com/3/Inflection-Points_20181213-ee1463.pdf.
- 10 Gale Holland, "A 5% rent increase would push 2,000 Angelenos into homelessness, study warns," *Los Angeles Times*, August 2, 2017, <https://www.latimes.com/local/lanow/la-me-ln-rent-increase-homelessness-20170802-story.html>. Chris Glynn and Emily B. Fox, "Dynamics of homelessness in urban America," July 28, 2017, Fig. 9, <https://arxiv.org/abs/1707.09380>.
- 11 Liana Fox, "The Supplemental Poverty Measure: 2017," at Table A-5, United States Census Bureau, September 2018, <https://www.census.gov/content/dam/Census/library/publications/2018/demo/p60-265.pdf>.
- 12 "Greater Los Angeles Homeless Count 2018 Results," at slide 11, Los Angeles Homeless Services Authority, May 31, 2018, <https://www.lahsa.org/documents?id=2059-2018-greater-los-angeles-homeless-count-presentation.pdf>, citing U.S. Census Bureau Supplemental Poverty Measure, average poverty rates from 2014-2016.
- 13 Andrew Woo, "How Have Rents Changed Since 1960?," *Apartment List*, June 14, 2016, <https://www.apartmentlist.com/rentonomics/rent-growth-since-1960/>; Andrew Khouri, "For tenants on the edge, paying the rent often takes more than half their income," *Los Angeles Times*, December 3, 2017, <http://www.latimes.com/business/la-fi-rising-rents-affordable-housing-20171203-story.html> ("In the Los Angeles region, the median rent when adjusted for inflation increased 55% from 1980 to 2014, to \$1,294, according to a study from website Apartment List. Incomes rose only 13%").
- 14 At \$12 an hour, a worker would need to work approximately 115 hours a week in order to spend less than 30% of their income on rent at the HUD Fair Market Rent of \$1,791 for a 2-bedroom apartment. The HUD Fair Market Rent is less than the average rent and is based on an estimate of the 40th percentile rent for a metro region. More information about the HUD Fair Market Rent standard is available at https://www.huduser.gov/portal/datasets/fmr/fmrover_071707R2.doc.
- 15 Igor Popov, "Housing Markets and Income Inequality," *Apartment List*, April 24, 2019, <https://www.apartmentlist.com/rentonomics/housing-markets-and-income-inequality/>.
- 16 California Housing Partnership, "Los Angeles County's Housing Emergency Update," May 2019, <https://1p08d91kd0c03rlxhmtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/Los-Angeles-HNR-2019.pdf>.
- 17 "Affordable Housing: Presentation to the Los Angeles County Board of Supervisors" County of Los Angeles Housing Authority and Community Development Commission, June 6, 2018, http://file.lacounty.gov/SDSInter/bos/supdocs/123467.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.
- 18 Matthew Desmond, "Heavy is the House: Rent Burden among the American Urban Poor," *International Journal of Urban and Regional Research*, (2018):160-70.
- 19 Glynn, "Inflection points in community-level homelessness rates."
- 20 Cross tabulation estimates by race are not available by census tract and could not be computed for unincorporated Los Angeles County specifically. These figures are for all of Los Angeles County using ACS Public Use Microdata Sample prepared by IPUMS; Steven Ruggles, Sarah Flood, Ronald Goeken, Josiah Grover, Erin Meyer, Jose Pacas and Matthew Sobek. IPUMS USA: Version 9.0 [dataset]. Minneapolis, MN: IPUMS, 2019. <https://doi.org/10.18128/D010.V9.0>.
- 21 Based on tenants age 18 and over in Los Angeles County.
- 22 "Survey on Food and Housing Insecurity," Los Angeles Community College District, Fall 2016, <https://www.laccd.edu/documents/newsdocuments/laccd-hope-lab-survey-results.pdf>.
- 23 Cal. Civil Code §§ 827, 1946, and 1946.1.
- 24 Glynn, "Dynamics of homelessness in urban America," Figure 9; Holland, "A 5% rent increase."
- 25 "2019 Greater Los Angeles Homeless Count Presentation" at slide 5.
- 26 "Greater Los Angeles Homeless Count 2018 Results," Los Angeles Homeless Services Authority, published May 31, 2018, <https://www.lahsa.org/documents?id=2059-2018-greater-los-angeles-homeless-count-presentation.pdf>.

27 "2019 Greater Los Angeles Homeless Count Presentation" at slide 23; see also "Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness," Los Angeles Homeless Services Authority, December 2018, <https://www.lahsa.org/documents?id=2823-report-and-recommendations-of-the-ad-hoc-committee-on-black-people-experiencing-homelessness>.

28 "2019 Greater Los Angeles Homeless Count Presentation" at slide 20.

29 *Id.* at slide 24.

30 In a 2017 report, the United Nations Special Rapporteur on extreme poverty highlighted what the end of the line looks like for many of those who are priced out of Los Angeles's housing market: Skid Row, the growing size and sanitary conditions of which lend to unfavorable comparisons between it and a poorly run UN-refugee camp. See, e.g., United Nations, General Assembly, *Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America*, A/HRC/38/33/ADD.1 (04 May 2008), available from https://digitallibrary.un.org/record/1629536/files/A_HRC_38_33_Add-1-EN.pdf ("In June 2017, it was reported that the approximately 1,800 homeless individuals on Skid Row in Los Angeles had access to only nine public toilets. Los Angeles failed to meet even the minimum standards the United Nations High Commissioner for Refugees sets for refugee camps in the Syrian Arab Republic and other emergency situations."); Gale Holland, "U.N. monitor on extreme poverty tours skid row in L.A.," *Los Angeles Times*, December 11, 2017, <http://www.latimes.com/local/lanow/la-me-ln-un-skid-row-20171211-story.html> ("Alston said that because the United States – alone among big industrial nations – has consistently rejected access to housing and sanitation as essential human rights, he is probing whether economic disparities prevent poor people from exercising their full political and civil rights ... 'There is a significant international audience and other countries are watching,' Alston said to open the town hall Wednesday. 'They want to know if the U.S. is living up to its great standards as far as human rights.'").

31 Aimee Inglis, "California Evictions are Fast and Frequent," *Tenants Together*, May 30, 2018, <http://www.tenants-together.org/updates/new-tenants-together-report-reveals-evictions-california-are-triple-previous-estimates>.

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33 Matthew Desmond and Tracey Shollenberger, "Forced Displacement from Rental Housing: Prevalence and Neighborhood Consequences," *Population Association of America* (Aug. 19, 2015), <https://scholar.harvard.edu/files/mdesmond/files/desmondshollenberger.demography.2015.pdf>.

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35 NPC Research, "Evaluation of the Sargent Shriver Civil Counsel Act (AB590) Housing Pilot Projects," at 51, Judicial Council of California, July 2017, <http://www.courts.ca.gov/documents/Shriver-Housing-2017.pdf>.

36 Matthew Desmond and Rachel Tolbert Kimbro, "Eviction's Fallout: Housing, Hardship, and Health," *Social Forces*, (2015) https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf.

37 *Id.*

38 Rebecca Diamond, "The Effects of Rent Control Expansion on Tenants, Landlords, and Inequality: Evidence from San Francisco," published March 04, 2019, <https://web.stanford.edu/~diamondr/DMO.pdf> ("[I]f long-term tenants have developed neighborhood-specific capital, such as a network of friends and family, proximity to one's job, or proximity to the schools of one's children, then these tenants face large risks from rent appreciation."); Kimberly Skobba, "Mobility Decisions of Very Low-Income Households," *Cityscape: A Journal of Policy Development and Research* 15, no. 2 (2013): 156-157, <https://www.huduser.gov/portal/periodicals/cityscpe/vol15num2/ch11.pdf>. ("For very low-income people, reliance on informal (nonmarket) strategies is vital for meeting basic needs. . . . Securing informal housing assistance by doubling up with family, friends, and unrelated roommates is one of the few options available to low-income families who face problems of housing affordability and availability. . . . Informal exchanges are dependent on interpersonal relationships. The primacy of relationships in informal modes of exchange is especially true in housing, where informality means shared living space. The maintenance of connections thus becomes important, and housing accommodations can become dependent on the condition and quality of key interpersonal relationships").

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40 Aaron Schrank, "Los Angeles struggles to house homeless amid Section 8 shortage," *Marketplace*, published March 27, 2018, <https://www.marketplace.org/2018/04/11/wealth-poverty/los-angeles-struggles-house-homeless-amid-section-8-shortage>.

41 California Housing Partnership, "Los Angeles County's Housing Emergency Update," May 2019 (citing a shortage of approximately half a million affordable units across Los Angeles County); California Housing Partnership, "California's Housing Emergency Update," March 2019, https://1p08d91kd0c03rlxhmhtydr-wpengine.netdna-ssl.com/wp-content/uploads/2019/03/CHPC_HousingNeedReport_2019_PRINT_Rev4-5-19_Hi-Res.pdf.

42 Paula Fomby, "Family Instability and Child Well-Being," *Am Social Rev.* 2007 Apr; 72(2): 181–204.

43 *Id.*

44 *Id.*; Young Liu, "Relationships Between Housing and Food Insecurity, Frequent Mental Distress, and Insufficient Sleep Among Adults in 12 US States, 2009," *Preventing Chronic Disease* 11, no. 13, (2014).

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46 Manuel Pastor, "Rent Matters: What are the Impacts of Rent Stabilization Matters?" USC Dornsife Program for Environmental & Regional Equity, October 2018, https://dornsife.usc.edu/assets/sites/242/docs/Rent_Matters_PERE_Report_Final_02.pdf.

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67 L.A., CAL. MUNICIPAL CODE § 151.01 ("There is a shortage of decent, safe and sanitary housing in the City of Los Angeles resulting in a critically low vacancy rate. Tenants displaced as a result of their inability to pay increased rents must relocate but as a result of such housing shortage are unable to find decent, safe and sanitary housing at affordable rent levels. Aware of the difficulty to pay requested rent increases, but as a consequence must expend less on other necessities of life. This situation has had a detrimental effect on substantial numbers of renters in the City, especially creating hardships on senior citizens, persons on fixed incomes and low and moderate income households. This problem reached crisis level in the summer of 1978 following the passage of Proposition 13.").

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77 *Birkenfeld v. City of Berkeley*, 17 Cal.3d 129 (1976); see also *FPC v. Natural Gas Pipeline Co.*, 315 U.S. 575, 585-86 (1942) (rate regulation is reasonable so long as it not "confiscatory in the constitutional sense"); *Federal Power Comm'n v. Hope Natural Gas Co.*, 320 U.S. 591, 603 (1944) ("the fixing of 'just and reasonable' rates[] involves a balancing of the investor and the consumer interests").

78 *Birkenfeld v. City of Berkeley*, 17 Cal.3d 129 (1976); *Carson Mobilehome Park Owners' Assn. v. City of Carson* 35 Cal.3d 184, 189 (1983); *Fisher v. City of Berkeley*, 37 Cal.3d 644, 681 (1984); *Kavanau v. Santa Monica Rent Control Bd.*, 16 Cal. 4th 761 (1997).

79 BERKELEY, CAL., MUNICIPAL CODE § 21.28 *et seq.*; SANTA MONICA, CAL., MUNICIPAL CODE § 9.24; L.A., CAL., MUNICIPAL CODE § 47.06; EAST PALO ALTO, CAL., MUNICIPAL CODE § 14.24.

80 See, e.g., L.A., CAL. MUNICIPAL CODE § 12.95.2.E.; Santa Monica, CAL. MUNICIPAL CODE § 9.24.040(A)(5).

81 See, e.g., SANTA MONICA CAL., MUNICIPAL CODE § 9.24.040A(9)(b).

82 See, e.g., L.A., CAL. MUNICIPAL CODE § 151.31; SANTA MONICA CAL., MUNICIPAL CODE § 4.56.050.

83 Cal. Civ. Code § 1954.50 *et seq.*

84 Costa Hawkins also had the effect of freezing the application dates of existing rent control ordinances so that the ordinances could not be updated. *Id.* at §§ 1954.50-1954.535. In the City of Los Angeles, for example, the frozen date after which no units can be rent controlled is 1979 L.A., CAL. MUNICIPAL CODE § 151.02 ("Housing accommodations, located in a structure for which the first Certificate of Occupancy was issued after October 1, 1978, are exempt from the provisions of this chapter.").

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87 Cal. Gov't Code § 7060 *et seq.*

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98 Sarah Anne Lloyd, "Seattle rent still stalling in luxury markets," *Seattle Curbed*, Oct. 8, 2018, <https://seattle.curbed.com/2018/10/8/17953316/seattle-rent-costs-slows-down>.

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100 Tenants have some protections against retaliation by landlords for reporting code violations (see, e.g. Cal. Civ. Code § 1942.5(a)), but, in practice these protections are limited and are no guarantee that the landlord will not eventually raise the rent or end the tenancy because of a tenant's complaint.

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102 *Birkenfeld v. City of Berkeley*, 17 Cal.3d 129 (1976); *FPC v. Natural Gas Pipeline Co.*, 315 U.S. 575, 585-86 (1942) (rate regulation is reasonable so long as it not "confiscatory in the constitutional sense"); *Federal Power Comm'n v. Hope Natural Gas Co.*, 320 U.S. 591, 603 (1944) ("the fixing of 'just and reasonable' rates[] involves a balancing of the investor and the consumer interests").

103 *Birkenfeld v. City of Berkeley*, 17 Cal.3d 129, 168 (1976); *Carson Mobilehome Park Owners' Assn. v. City of Carson* 35 Cal.3d 184, 191 (1983) ("Where rent ceilings of an indefinite duration are established, a mechanism must be provided for granting those increases necessary to permit landlords a just and reasonable return.").

104 Economic Roundtable, "Economic Study of the Rent Stabilization Ordinance and the Los Angeles Housing Market," at 243 (2009), https://economicrt.org/wp-content/uploads/2009/08/Economic_Study_of_the_RSO_2009.pdf ("On average, in terms of rent increases and appreciation, the performance of investments in apartment buildings covered by the RSO has been superior to the average performance of investments in apartment buildings in the U.S., which as a rule are unregulated. In addition, it has been comparable to the performance of investments in

apartments in the Los Angeles region that are not covered by the RSO.").

105 *Id.* at 213 ("The annual percentage rent increase allowed under the RSO exceeded or roughly equaled the percentage increase in national rents during 23 of the past 29 years.").

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112 L.A. CTY., CAL., ORDINANCE 2019-0018 §§ 2,4 (April 16, 2019). All rental units are covered except for units where a tenant shares either a bathroom or a kitchen facility with the landlord or landlord's family.

113 *Id.* at § 4.B.

114 *Id.* at § 4.C.

115 Inglis, "Fast and Frequent," at 12.

116 L.A., CAL. MUNICIPAL CODE § 151.30; SANTA MONICA, CAL. MUNICIPAL CODE § 1806(a)(8).

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118 Leslie Gordon, "Strengthening Communities Through Rent Control and Just-Cause Evictions: Case Studies from Berkeley, Santa Monica, and Richmond," Urban Habitat, January 2018, at 10, http://urbanhabitat.org/sites/default/files/UH%202018%20Strengthening%20Communities%20Through%20Rent%20Control_0.pdf.

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120 *Id.*

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