

CITY OF SANTA MONICA

RENTERS' PROTECTIONS PROGRAM – ANALYSIS, KEY FINDINGS, AND RECOMMENDATIONS

FINAL REPORT
JULY 8, 2024

Fetterman
Dunn

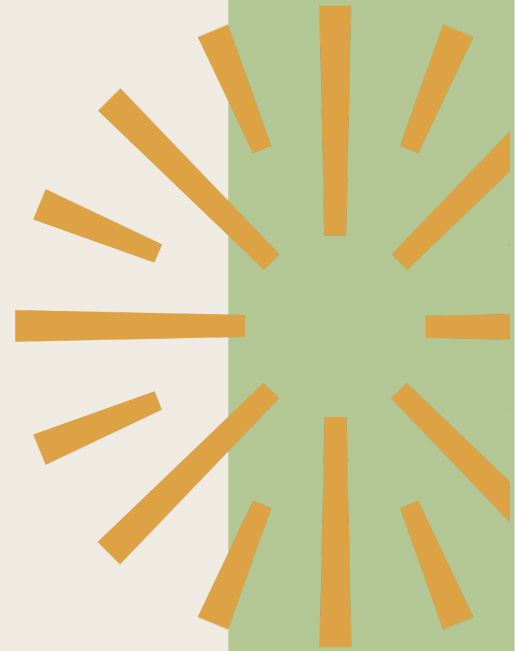


Table of Contents

INTRODUCTION.....	3
BACKGROUND.....	5
SITUATIONAL ANALYSIS.....	6
Stakeholder Interviews.....	6
<i>Right to Counsel</i>	6
<i>Flexible Financial Assistance</i>	7
<i>Priority Populations</i>	8
Data.....	9
<i>Unlawful Detainer Filings – Superior Court of Los Angeles County</i>	9
<i>Unlawful Detainers – Landlord Filings with City Attorney’s Office</i>	10
<i>3-Day Notices to Pay or Quit – Landlord Filings with City Attorney’s Office</i>	11
<i>Conclusion: Estimating Need</i>	12
Other Program Models.....	13
<i>Right to Counsel</i>	14
Long Beach.....	14
Philadelphia.....	14
San Francisco.....	15
<i>Flexible Financial Assistance</i>	16
Boulder.....	16
Philadelphia.....	17
San Francisco.....	17
<i>Additional Considerations</i>	18
KEY FINDINGS.....	19
RECOMMENDATIONS.....	21
EXHIBITS.....	25
Exhibit A: Project Contributors.....	26
Exhibit B: Overall Program Design.....	28
Exhibit C: Right to Counsel Services.....	29
Exhibit D: Flexible Financial Assistance Services.....	34
Exhibit E: Budget Detail and Justification.....	37

City of Santa Monica

RENTERS' PROTECTIONS PROGRAM: ANALYSIS, KEY FINDINGS, AND RECOMMENDATIONS

INTRODUCTION

On August 16, 2023, Santa Monica's City Council presented Item 16: Protecting Santa Monica's Vulnerable Renters¹ ("Item 16") whereby they asserted the need for "recommendations for programs and ordinances to protect the 70 percent of Santa Monicans who are renters amidst record evictions." Though the City provides human and housing services, Item 16 directs the City Manager to build upon this work by conceptualizing a comprehensive tenant right to counsel program that includes flexible financial assistance.

In pursuit of Santa Monica's goal to enhance renters' protections, Fetterman Dunn Consulting conducted a situational analysis that includes insights from key stakeholders, evaluation of local data, and research of exemplary program models. The results of the analysis informed recommendations for right to counsel and flexible financial assistance programming for those at-risk of eviction, including:

- Needed resources and estimated costs for program development and implementation
- An approach for phasing implementation and prioritizing sub-populations most at-risk of eviction
- A description of services needed to support program participant stabilization and limit evictions

As documented in this report, the City of Santa Monica has opportunities to additionally prevent displacements of vulnerable renters by investing in the strategies itemized below.

Right to Counsel Services

- Educate Santa Monica tenants about renters' protections programming, including both right to counsel and flexible financial assistance services, through community outreach
- Educate tenants about their rights, and connect those in need of services with tenant-focused organizations supporting Santa Monicans
- Provide access to full-scope legal representation for renters' eviction defenses, inasmuch as funding enables full-scope legal representation
- Continue to provide access to full-scope legal representation until an eviction notice or unlawful detainer complaint is withdrawn, the case is dismissed, or a judgement in the matter is entered

¹ https://santamoniacityca.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1377&MediaPosition=&ID=5930&CssClass=

- Provide access to limited services, such as advice, filing an answer on behalf of a tenant, and completing fee waivers, when funding does not enable full-scope services
- Provide eviction prevention financial assistance for unlawful detainer involved tenants to preserve their tenancy or enable their relocation to another residence, if needed

Flexible Financial Assistance Services

- Educate Santa Monica tenants about flexible financial assistance services, as part of the right to counsel team's community outreach
- Provide one time, shallow, and deep rental supports to vulnerable populations at high risk of housing instability, at or before receiving a 3-day notice to pay or quit
- Provide supportive services to address additional household needs that are contributing to housing instability
- Flexible financial assistance should, inasmuch as possible, leverage other City of Santa Monica programming, such as Housing and Human Services

The keys for program development include:

- 1) Phasing implementation and providing multi-year funding

Five-Year Projection

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Right to Counsel					
Households	200	240	320	400	472
Expense*	\$4,805,085	\$5,766,102	\$7,688,136	\$9,610,170	\$12,096,000
Flexible Financial Assistance					
Households	283	566	849	1,132	1,412
Expense*	\$2,076,714	\$4,153,428	\$6,230,141	\$8,306,855	\$10,372,919
City Program Administration					
Expense	\$163,954	\$163,954	\$218,605	\$218,605	\$284,187
TOTAL COST	\$7,045,753	\$10,083,484	\$14,136,882	\$18,135,630	\$22,753,106

**Expense line item includes costs for contractors, program development, and implementation*

- 2) Establishing and maintaining partnerships for service delivery
 - a. Recruit and develop qualified providers to expand the delivery network, particularly in service areas where availabilities do not meet demands for programming
 - b. As part of this work, the City of Santa Monica should help prospective and current qualified providers through application and/or contract amendment processes

By prioritizing these activities, the City of Santa Monica will, as envisioned by City Council, enhance renters' protections and build capacities to "protect the 70 percent of Santa Monicans who are renters amidst record evictions."

BACKGROUND

A significant number of renters in the City of Santa Monica are at-risk of eviction as housing costs are rising faster than household incomes. According to data from the U.S. Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (2016-2020), more than 6,700 Santa Monica renter households, or 20.5%, are considered severely housing cost burdened (defined as spending 50% or more of their income on rent and utilities). When considering the impact of income on housing stability, the data shows even more Santa Monicans are deemed at-risk with 32% of renters having incomes less than 80% of area median income and spending more than 30% on housing.

Item 16 includes research highlighting the unprecedented economic challenges created by the pandemic that have further contributed to housing instability. The report notes, in cities such as Santa Monica, the pandemic exacerbated already high housing costs and put greater pressure on tenants—many of whom are considered at high risk of homelessness. The national eviction crisis, however, existed long before COVID-19, with over 3.6 million evictions filed each year.² The impact of evictions is far reaching. Evictions undermine housing stability and contribute to losses of mental and physical health, child custody, education attainment, and employment.³ Historic inequalities also contribute to the eviction crisis. Black and Hispanic renters experience the risk of eviction two times more than white tenants.⁴ Procedurally, as reported by the National Coalition for a Civil Right Counsel's John Pollock, "...representation in eviction cases is greatly imbalanced: on average, 3% of tenants are represented nationwide, compared to 81% of landlords."⁵

Rental market conditions also contribute to eviction risk, especially for long-term tenants in rent-controlled units. The Santa Monica Rent Control Board's 2023 Annual Report states 21% (5,889) of rent-controlled units are occupied by long-term tenants, defined as units occupied by tenants who moved in before January 1, 1999. These tenants are particularly vulnerable to eviction as they pay significantly lower rent compared to market-rate tenants. A review of median maximum allowable rents in Santa Monica's rent-controlled units shows most market-rate median rents are nearly 150% higher than long-term tenant median rents.⁶ When a rent-controlled unit is vacated, the owner can set a new, much higher market-rate rent, incentivizing evictions of long-term tenants.

² Gromis, Ashley, *Eviction: Intersection of Poverty, Inequality, and Housing*; Eviction Lab, Princeton University

³ Ibid

⁴ Wedeen, Sophia (2021) *Black and Hispanic Renters Face the Greatest Threat of Eviction in Pandemic*, Joint Center for Housing Studies of Harvard University

⁵ Pollock, John (2023) 14-1 *Advancing Tenant Protections: The Right to Counsel for Tenants Facing Eviction*, National Low Income Housing Coalition

⁶ City of Santa Monica: Santa Monica Rent Control Board Annual Report (2023)

These risk indicators underscore the importance of enhancing tenant protections. Research consistently concludes that without legal representation tenants almost always lose their cases. Furthermore, as nonpayment of rent is the leading cause of evictions, it is critical that legal representation be coupled with financial assistance for interventions to be effective. The University of California San Francisco's 2023 statewide study of people experiencing homelessness reports expanding targeted services, including financial assistance and legal support, is a key strategy for preventing homelessness.⁷

SITUATIONAL ANALYSIS

The situational analysis includes representative perspectives from dozens of Santa Monica stakeholders who are invested in the overall health, vibrancy, and diversity of their community. The analysis also includes an in-depth review of locally available data and is informed by experts in other communities where renters' protections programs have been successfully implemented. *Refer to Exhibit A for a list Project Contributors.*

Stakeholder Interviews

Key informant interviews leveraged City relationships with aligned and impactful organizations and established an inclusive process for interested stakeholders to contribute to the process. Twenty-five (25) in-depth interviews were conducted with 53 participants across: Government agencies; Legal, housing, and social services providers; Tenant advocate groups; and Resident groups. Interview questions focused on understanding perspectives on current needs, barriers, and priority populations in relation to right to counsel and flexible financial assistance programming.

Right to Counsel

The City of Santa Monica has a decades-long relationship with the Legal Aid Foundation of Los Angeles to support a myriad of civil legal needs for Santa Monicans. While these legal services have historically included landlord/tenant issues, in July 2021, the City expanded these services through a right to counsel pilot program. During the first two years of the pilot, the program provided 199 Santa Monica tenants with legal services ranging from full scope representation to limited counsel and advice.⁸ High demand for right to counsel services led to a funding award increase, effective July 1, 2023, to enable the Legal Aid Foundation of Los Angeles to add an additional attorney to the program.

⁷ Kushel, Margot and Moore, Tiana, et al (2023) Toward a New Understanding: The California Statewide Study of People Experiencing Homelessness, University of California San Francisco

⁸ Based on FY 22 and FY 23 annual program reports found at: <https://www.santamonica.gov/human-services-grants-program-reports>

Perspectives on right to counsel programming were primarily provided by legal services providers, residents, and government agencies. Many of these stakeholders noted equitable access to services as a priority. Income limits and documentation status were frequently cited as barriers to accessing legal services. Income limits were seen as both administratively burdensome and too exclusionary in a market with comparably high incomes and significantly high rent rates. And while Basta Universal provides legal services for undocumented households in Santa Monica, most interview participants were unaware of their offerings.

Advocates and residents further emphasized the need for enhanced community outreach and legal education with the recognition that the program will only achieve its goal of preventing evictions if tenants are aware of the services available to them. Additionally, tenant education is seen as a preventative tool that enables tenants to make more informed decisions. As noted by a representative from Santa Monicans for Renters Rights –



...A lot of times people need to know their legal rights, what to do to avoid getting to the point where they've got a problem with their landlord that could trigger an eviction.”

Determining when to offer right to counsel programming was also an important consideration. Legal experts emphasized that the earlier an attorney gets involved in a case the better, citing it is possible in Santa Monica to start at the notice stage of proceedings if capacity constraints are addressed. Due in part to funding limitations, capacity constraints are also due to attorney shortages. It was recognized through conversations with groups, such as Basta, Inc., that there are opportunities to address issues caused by attorney shortages by expanding the network of contracted providers. These additional providers need to be engaged during implementation planning to determine how they can best support Santa Monica’s right to counsel services.

Additionally, stakeholders are asking for right to counsel services that are broad enough to provide full scope representation for those who need it or limited services for those who do not. This point was underscored by a Rent Control Board representative, “Sometimes people just need good advice or a timely written letter to save their tenancy.”

Flexible Financial Assistance

The City of Santa Monica does not currently have a dedicated program for tenant financial assistance. However, several partner agencies that are funded by the City’s Human Services Grants Program administer some financial assistance for renters through their case management services. These committed groups of service providers are interested in participating in financial assistance expansion efforts to support Santa Monicans at-risk of

eviction. Of note, all stakeholders reported that the current funding allocated to prevention and stabilization efforts is insufficient to meet rising demand. St. Joseph Center reported they were seven months into the fiscal year and had already expended 75% of financial assistance funds in one of their programs due to soaring demand.

City department personnel and service providers are seeking financial assistance programming with clear and transparent guidelines. They, along with residents, expressed concerns related to heavy documentation burdens, eligibility requirements, and (for those who are undocumented) being deemed a public charge. The complexity of program eligibility requirements can unintentionally leave out vulnerable Santa Monicans, keeping them from critical services. Legal services providers emphasized the importance of having quick and seamless access to financial assistance and spoke of embedding case managers in legal providers' offices to create a more efficient process with fewer barriers for tenants.

The concept of immediate versus long term support was part of nearly every conversation. Interview participants recognize many Santa Monicans at-risk of eviction need ongoing rental assistance to address the broader housing affordability issue. In response to this challenge, many spoke of the need to establish a universal basic income program and/or expand the Preserving Our Diversity program. Several groups asked for shallow subsidies. Shallow rental subsidies provide long term, lower levels of assistance (compared to "deep" subsidies such as housing vouchers) to help people achieve housing stability and prevent homelessness.⁹ The City's Youth and Family Services team shared a prospective opportunity—provide time-limited shallow subsidies to low-income families on the affordable housing waitlist until their affordable housing is obtained. The goals of services such as these are to prevent displacements and protect Santa Monica's diversity.

Priority Populations

Stakeholders provided their perspectives on priority populations in response to questions related to phasing program implementation and prioritizing tenant households at highest risk of eviction. A common theme when discussing priority populations was the importance of preserving households of varying income levels and diverse backgrounds in Santa Monica.

The list below represents the most frequently cited priority populations. Those listed in bold additionally represent the groups who have priority under Measure GS: 4.90.030(b) Expenditure of Homelessness Prevention and Affordable Housing – a prospective funding source for the Renters' Protections Program.

⁹ <https://files.hudexchange.info/resources/documents/COVID-19-Homeless-System-Response-Shallow-Rental-Subsidies.pdf>

1. **Families with minor children**
2. Undocumented
3. **Low / fixed income**
4. **Seniors**

5. Historically underserved
6. Long-term tenants
7. **People with disabilities**
8. Transitional age youth

Families with minor children was mentioned by multiple nonprofit providers and City of Santa Monica personnel. Anecdotally, they are seeing more single parent households and multi-generational families seeking help. Santa Monica's Black Empowerment Association additionally reported an increase in the number of families living in their cars. The City of Santa Monica's Youth and Family Services team emphasized their concern regarding support for families: "Please remember families get lost in the conversation about housing. Don't forget them or they will start to leave our community."

Transitional age youth, generally those between 18 and 22 years old, was a group mentioned by both residents and nonprofit organizations. One group provided an example of young adults getting pregnant and having to move out of their home because additional children cannot be added to their lease. Familias Latinas Unidas expressed concern about their young people, stating "...they go to college and graduate and then cannot return to the city where they grew up because the rents are so high..."

Data

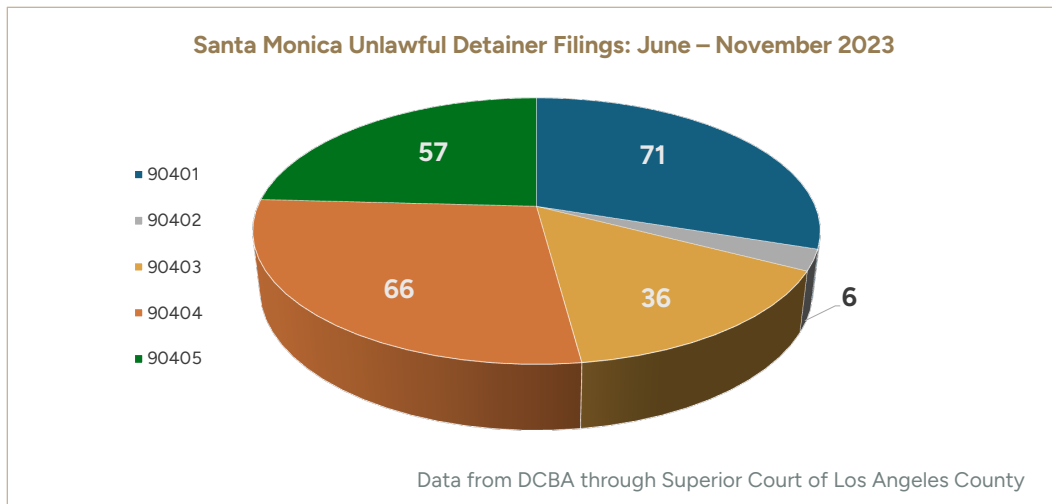
Data collection and analysis focused on Santa Monica specific unlawful detainer¹⁰ filings from the Superior Court of Los Angeles County and landlord filings from the Santa Monica City Attorney's Office.

Unlawful Detainer Filings – Superior Court of Los Angeles County

The Los Angeles Department of Consumer and Business Affairs ("DCBA") provided limited eviction filing data, by zip code, from reports they received from the Superior Court of Los Angeles County. The data covered a six-month period, from June 2023 through November 2023, during which time 236 unlawful detainers were filed against Santa Monica renters. When annualized, the data represents an estimated 472 unlawful detainer filings in Santa Monica. Of note, the 90401 and 90404 zip codes had the highest percentage of filings. These zip codes represent the areas of Santa Monica with the lowest area median incomes.¹¹

¹⁰ An unlawful detainer is the legal complaint a landlord files with the court when seeking an eviction.

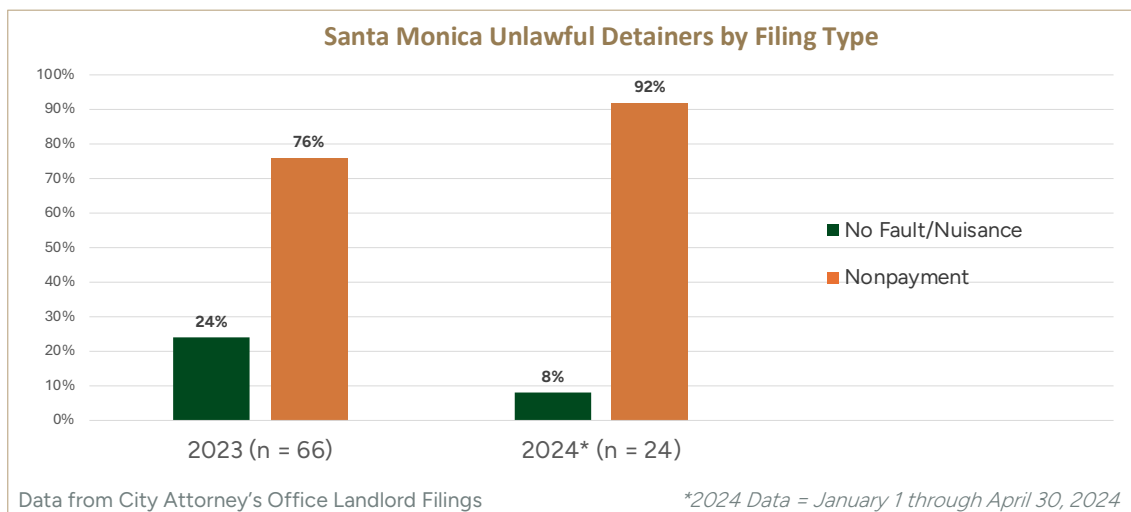
¹¹ incomebyzipcode.com



Unlawful Detainers – Landlord Filings with the City Attorney's Office

Information from landlord filings with the City Attorney's Office was utilized to evaluate the reasons for tenant evictions. Section 4.27.060(b): Landlord Reporting Requirements for Endeavors to Evict Residential Tenants of Santa Monica's City Charter states that landlords are to email Santa Monica's City Attorney's Office copies of endeavors to evict within two days of serving such notice.

In 2023, 66 unlawful detainers were filed with the City Attorney's Office, of which 76% were for nonpayment of rent. In the first four months of 2024, 24 unlawful detainer notices were filed with the City Attorney's Office, of which 91.6% were for nonpayment of rent. While the low number of records indicate landlords are not fully complying with the requirement; the data from the filings provide important insight into the reasons tenants are at-risk of eviction.



Additionally, landlord unlawful detainer filing data includes the amount of rent a tenant is past due, for those being evicted for nonpayment of rent. As indicated in the chart below, Santa

Monica tenants are receiving unlawful detainers for what could be considered modest amounts given the high cost of the rental market. The data shows tenants are receiving unlawful detainers for median past due amounts ranging from \$3,161.00 to \$4,815.00, or on average, 177% of the Los Angeles-Glendale-Long Beach Fair Market Rent (“FMR”).

2023 Santa Monica Unlawful Detainers by Rent Amount Past Due

	Efficiency	1-Bedroom	2-Bedroom	3-Bedroom
# of Units	12	14	13	4
Median Rent Amount Past Due	\$3,161	\$3,638	\$4,815	\$3,271
Fair Market Rent	\$1,534	\$1,747	\$2,222	\$2,888
% of FMR Past Due	206%	208%	217%	113%

NOTE: Only the filing data that lists the unit size was utilized in the data analysis. Without the unit size, the percent of FMR past due could not be applied.

3-Day Notices to Pay or Quit – Landlord Filings with City Attorney’s Office

In addition to unlawful detainers, landlords also submit copies of 3-day notices to pay or quit to the City Attorney's Office. As with the unlawful detainer filings, the number of notices reported to the City Attorney’s Office indicate underreporting by landlords. The data, however, provides important contextual information that informs understandings of needs, especially as it relates to flexible financial assistance programming.

The data shows, over the course of a 16-month period, from January 2023 through April 2024, 400 unduplicated addresses received 530 3-day notices to pay or quit. Of the 400 addresses, approximately 69% (275) received one notice, while 31% (125) received more than one 3-day notice during that timeframe. There are two important considerations regarding this data:

1. The City Attorney’s Office redacted the data to protect the identity of Santa Monica residents; therefore, there was not a way to verify that a duplicated address represents the same household.
2. The filings do not include explanations for why one address received multiple 3-day notices; therefore, assumptions were made regarding the cause for multiple notices going to the same address.

With these considerations in mind, it can be reasonably inferred that approximately 69% of tenants who received a single 3-day notice may only need a one-time rental payment to stave off an eviction filing, whereas as many as 31% may need ongoing rental assistance.

Additionally, the past due rent amounts that led to the 3-day notice being issued informs the estimated amount of financial assistance that may be needed to prevent an eviction. The chart below shows the median past due rent amounts for addresses that received one 3-day notice

over the 16-month period. Of note, the majority (79%) of the 3-day notice to pay or quit records listed past due rent amounts of less than \$5,000.

Addresses with Single 3-Day Notices from January 2023 – April 2024

	Efficiency	1-Bedroom	2-Bedroom	3-Bedroom	Size Unknown
# of Units	30	89	43	3	60
Median Rent Amount Past Due	\$2,153	\$3,379	\$5,112	\$8,206	\$2,983

NOTE: Only those records that listed past due rent amounts were included in the analysis (225 of 275 records)

The below chart shows the median past due rent amounts for addresses that received multiple 3-day notices over the 16-month period.

Addresses With Multiple 3-Day Notices from January 2023 – April 2024

	Efficiency	1-Bedroom	2-Bedroom	3-Bedroom	Size Unknown
# of Units	46	102	37	3	46
Median Rent Amount Past Due	\$2,416	\$3,295	\$4,781	\$3,045	\$3,195

NOTE: Only those records that listed past due rent amounts were included in the analysis (234 of 255 records)

Conclusion – Estimating Need: The Superior Court of Los Angeles County data provides the clearest indication of community need for right to counsel services. Court data over a six-month period in 2023 shows 236 unlawful detainers were filed against Santa Monica tenants. When annualized, one can reasonably conclude the City of Santa Monica should plan for approximately 472 tenants to need legal services. Additionally, the landlord filing data with the City Attorney’s Office shows an estimated 80% (378) of unlawful detainers will be for nonpayment of rent. This underscores the significance of eviction prevention financial assistance funding as a complement to right to counsel services. It is important to note that while there is an expectation that unlawful detainer filings will spike with the final pandemic era protections ending April 1, 2024; local experts have opined that the numbers will stabilize.

The data supporting community need for flexible financial assistance funding to prevent an unlawful detainer from being filed (at or before the 3-day notice stage) is less concrete; however, preliminary assumptions can be made based on the available information. To start, the unlawful detainer data from the Superior Court of Los Angeles County was compared against landlord filings with the City Attorney’s Office over the same six-month period. The comparison shows landlords submitted unlawful detainers to the City Attorney’s Office 17% of the time (40 unlawful detainers filed with the City Attorney’s Office compared to 236 unlawful detainers filed with the Superior Court of Los Angeles County = 16.9%).

Unlawful Detainer Filings	June – November 2023
Superior Court of Los Angeles County Records	236
Landlord Filings with City Attorney's Office	40
% of Landlord Filings Compared to Court Records	16.9% (40 / 236)

During the same six months, 120 unduplicated addresses received a 3-day notice to pay or quit (number does not include households who also received an unlawful detainer). Using the assumption that landlords are complying with the City's requirement to submit copies of notices to tenants 17% of the time, it is estimated that 706 households received a 3-day notice to pay or quit from June – November 2023 (calculation: $100/17 * 120 = 706$). When annualized, that represents approximately 1,412 renter households that may receive a 3-day notice for nonpayment of rent and benefit from flexible financial assistance to help avoid eviction.

When applying the percent of addresses (noted in the 3-day Notice to Pay or Quit section on page 11) that received one notice (69%) and the percent of addresses that received more than one notice (31%), one can estimate the number of households that may need one-time rental assistance due to a financial emergency versus those that may need ongoing assistance to support household stabilization. The chart below summarizes annual need projections based on these assumptions:

Type of Services	Santa Monica Tenant Households
Right to Counsel – Legal Services	472
Right to Counsel – Eviction Prevention Financial Assistance: <i>For tenants in eviction proceedings</i>	378 <i>(80% of 472)</i>
Flexible Financial Assistance (subtotals below)	1,412
<i>One-time Financial Assistance: for tenants at or below the 3-day notice stage</i>	<i>974</i> <i>(1,412 * 69%)</i>
<i>Intermediate Financial Assistance: for tenants at or below the 3-day notice stage</i>	<i>438</i> <i>(1,412 * 31%)</i>

Other Program Models

Interviews were conducted with other communities that have successfully established right to counsel and financial assistance programming. Interviews with Long Beach, Philadelphia, and San Francisco focused heavily on right to counsel, whereas the interview with Boulder focused

primarily on financial assistance. These interviews were complemented by additional research and conversations with advocacy organizations.

Right to Counsel

Each of the interviewed communities have implemented right to counsel programs, mostly through ballot measures or city council enacted legislation. The City of Long Beach is the exception – they invested in right to counsel in response to the pandemic’s impact on tenant households and have not yet enacted formal legislation.

COMMUNITY	RIGHT TO COUNSEL PROGRAM DESIGN
<p>Long Beach, California</p> <p>Population size¹²: 449,468</p> <p>% With Severe Housing Cost Burden¹³: 25.5%</p>	<ul style="list-style-type: none"> • Contract with Los Angeles Department of Consumer and Business Affairs for right to counsel services through Stay Housed LA; contract with Fair Housing Foundation for case management and tenant/landlord counseling • Contracting with an established entity (Stay Housed LA) allowed for Long Beach to quickly bring legal services to their residents in a community that did not have existing infrastructure to leverage • Initial investment in 2021 with Stay Housed LA was \$250K; funding has increased to \$1.5M in FY 2024 <ul style="list-style-type: none"> ○ Funding source: American Rescue Plan Act • In FY 2023, with \$1.1M in funding, Stay Housed LA provided 1,328 Long Beach tenant households with legal services (breakdown of types of legal services not provided) • Eligibility requirements: Tenants must be at or below 80% area median income to receive right to counsel services through Stay Housed LA (used as a method to prioritize access due to limited resources)
<p>Philadelphia, Pennsylvania</p>	<ul style="list-style-type: none"> • Contract with one lead agency (Community Legal Services of Philadelphia) for eviction prevention; lead agency is responsible for administering subcontracts with five other service providers • Initial investment in 2022 of \$1M; has increased to \$5.6M

¹² Population size for all communities taken from U.S Census Bureau QuickFacts as of July 1, 2023

¹³ Housing cost burden percentage for all communities taken from HUD CHAS 2016-2020 data

COMMUNITY	RIGHT TO COUNSEL PROGRAM DESIGN
<p>Philadelphia, Pennsylvania <i>Continued</i></p> <p>Population Size: 1,550,542</p> <p>% With Severe Housing Cost Burden: 26.4%</p>	<ul style="list-style-type: none"> ○ Funding sources: general funds and proceeds from large bond issuance ● Approximately, 3,500 tenant households receive legal services annually ● Eligibility requirements: Services are available to tenants in specific zip codes with the highest poverty/risk indicators (used as a method to prioritize access due to limited resources) ● Community outreach: Tenants who have cases filed against them receive a mailer; tenants in qualifying zip codes receive phone calls and text messages to inform them of the program. Mailers are sent by the programs' lead agency; calls and texts are an extension of the city's 311 system. ● Philadelphia also has a separate eviction diversion program that includes mediation; these services are available to all tenants
<p>San Francisco, California</p> <p>Population size: 808,988</p> <p>% With Severe Housing Cost Burden: 16.4%</p>	<ul style="list-style-type: none"> ● Contract with eight right to counsel service providers with one serving as the lead agency coordinating the work (Eviction Defense Collaborative) ● Contracting with eight different agencies results in duplicating administrative costs across all agencies ● Annual right to counsel budget is \$17M; in FY 24, \$315K is the cost per fully funded attorney (all costs to support an attorney, including paralegal, administrative support, indirect costs, etc.) <ul style="list-style-type: none"> ○ Funding sources: local general funds; state, federal funds ● In FY 23 right to counsel cases totaled 1,800 with 84% receiving full scope and 16% receiving limited scope ● Eligibility: Prop F requires universal access with no eligibility requirements <ul style="list-style-type: none"> ○ Created a system to prioritize access using a vulnerability index, which enabled phased implementation ○ All tenants seeking legal support receive some type of legal service; tenants with higher vulnerability have access to full scope representation; tenants with lower vulnerability receive limited services

COMMUNITY	RIGHT TO COUNSEL PROGRAM DESIGN
San Francisco, California <i>Continued</i>	<ul style="list-style-type: none"> ○ The threshold that determines the level of service a household receives changes as the system's capacity changes ○ Despite not having an income requirement, 95% or more of those they serve are very low to moderately low income ● Community Outreach: In addition to traditional outreach methods, collaboration with courts is what makes the program successful; the court sends notifications to tenants to let them know an eviction has been filed against them and that they have a right to counsel – including a phone number to call

Financial Assistance

Three of the four communities have financial assistance tied to their right to counsel programming. These communities have varying levels and types of financial assistance and budgets that far exceed what is allocated to right to counsel.

COMMUNITY	PROGRAM DESCRIPTION	FUNDING
<p>Boulder, Colorado</p> <p>Population size: 105,858</p> <p>% With Severe Housing Cost Burden: 37.6%</p>	<ul style="list-style-type: none"> ● Prevention for those facing immediate eviction ● Eligibility: "Keep it simple" <ul style="list-style-type: none"> ○ Proof of residency (lease) ○ Proof of facing an eviction ● Emergency assistance for those who do not yet have a demand for payment ● Eligible for \$3K every 12 months; if amount does not cover what is owed and they cannot get balance of funds from another source, then assistance is not provided 	<ul style="list-style-type: none"> ● \$1.2M per year (20% for prevention and 80% for emergency assistance) ● Funding for right to counsel and financial assistance comes from a \$75 per rental license tax ● Funds are administered by the City of Boulder for those who are in an eviction (5 staff) ● Funds are administered by nonprofit partners for those not in an eviction

COMMUNITY	PROGRAM DESCRIPTION	FUNDING
<p>Boulder, Colorado <i>Continued</i></p>	<ul style="list-style-type: none"> Not intended to be long term; mostly trying to intervene earlier and prevent an eviction process from moving forward 	<p><i>Note: Financial assistance accounts for approximately 85% of total annual program costs when including right to counsel; total annual budget is \$1.4M</i></p>
<p>Philadelphia, Pennsylvania,</p> <p>Population size: 1,550,542</p> <p>% With Severe Housing Cost Burden: 26.4%</p>	<ul style="list-style-type: none"> Prevention funds tied solely to eviction diversion (mediation program) and are only available before an eviction is filed Eligibility: <ul style="list-style-type: none"> 80% AMI – self-certification of income (tenant does not have to submit documentation) Prioritize tenancies that will “work out” Eligible for up to \$3,500 in arrears plus 2 month’s rent afterwards (no cap on amount for forward rent) 	<ul style="list-style-type: none"> \$30M per year Funded with local general funds and from local housing trust fund Funds are administered by a nonprofit incorporated as part of the city (10 staff) <p><i>Note: Financial assistance accounts for approximately 78% of total annual program costs when including right to counsel and diversion; total annual budget is \$38.6M</i></p>
<p>San Francisco, California</p> <p>Population size: 808,988</p> <p>% With Severe Housing Cost Burden: 16.4%</p>	<ul style="list-style-type: none"> Eligible for up to \$20K for unlawful detainer involved tenants; eligible for up to \$10K for non-unlawful detainer involved tenants Eligibility/Verification <ul style="list-style-type: none"> Income plus other vulnerability factors determine eligibility Only verify income, lease, and amount owed (self-certify income regularly) 	<ul style="list-style-type: none"> \$25M per year Funded with local general funds and other state and federal dollars Financial assistance is administered by the right to counsel lead agency, Eviction Defense Collaborative (with a separate team for these services)

COMMUNITY	PROGRAM DESCRIPTION	FUNDING
San Francisco, California <i>Continued</i>	<ul style="list-style-type: none"> ○ Unlawful detainer involved tenants must also have a sustainability plan ● Funding not intended to provide ongoing support; the greater nonprofit ecosystem has access to financial assistance for ongoing support 	<i>Note: Financial assistance accounts for approximately 60% of total annual program costs when including right to counsel; total annual budget is \$42M</i>

Additional Considerations

Boulder created a feedback loop with tenants by establishing a Tenant Advisory Committee. The Tenant Advisory Committee is a five-person committee whose role is to advise on the implementation of the Eviction Prevention and Rental Assistance Services program. Among other duties, the Tenant Advisory Committee provides strategies for engaging residents most affected by inequities in rental housing practices, assists with community outreach, and provides recommendations about existing city services that could be expanded.¹⁴ This is an important aspect of Boulder’s program – it serves as a mechanism to receive continual feedback about the program and ensures ongoing community engagement.

Several communities offer, or in the case of Philadelphia, mandate mediation services. Long Beach residents have access to mediation services through the Fair Housing Foundation. Boulder’s mediation services are available both prior to and at eviction court. In Philadelphia, mediation services are required—a 30-day mediation period is triggered when a notice is issued to tenants. While mandatory mediation is not currently permissible in California, it is worth noting that in Philadelphia, nearly 75% of the more than 4,000 landlord/tenant pairs that have participated in mediation reached a settlement that allowed tenants to remain in their homes and avoid eviction.¹⁵ As a standalone intervention, mediation will not solve for preserving tenancy and increasing housing stability, however it can promote procedural justice, facilitate access to resources, and help with relationship repair.¹⁶ In Philadelphia, mediation is tied to financial assistance to enable the goal of preserving tenancies.

¹⁴ <https://boulder.colorado.gov/tenant-advisory-committee>

¹⁵ <https://www.phila.gov/2023-01-31-eviction-diversion-program-now-includes-targeted-financial-assistance-component/>

¹⁶ https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls-covid19-dpp-best-practices.pdf

KEY FINDINGS

- 1) **Community Engagement:** Santa Monica stakeholders were highly engaged throughout the project. Many expressed interest in further contributing to implementation and evaluation of a renters' protection program. Santa Monica would benefit from establishing an advisory group similar to the City of Boulder's Tenant Advisory Committee. Engaging a diverse group of Santa Monicans would help ensure the program is culturally competent and consistently informed by renters and other local community stakeholders.
- 2) **Community Outreach:** The reported lack of community awareness of the right to counsel services currently available to Santa Monica renters underscores the need for a large-scale community outreach plan. To be effective, the plan should include building initial public awareness and ongoing community education. The program can leverage Rent Control's experience utilizing varying communication methods to educate the public including, town halls and community meetings, public postings, mailers, and text messages. Additionally, many communities with right to counsel services collaborate with courts to conduct targeted outreach to unlawful detainer involved tenants to notify them of their right to counsel. It is also important that communications are available in tenants' primary languages.
- 3) **Financial Assistance and Early Intervention:** The landlord filing data from the City Attorney's Office confirms most tenants received unlawful detainers for nonpayment of rent. Robust rental assistance is crucial to the success of a renters' protection program. While the highest priority is prevention assistance for unlawful detainer involved tenants, there is broad recognition that many Santa Monica renters would benefit from flexible financial assistance (one-time rent payments, shallow, or deep rent assistance) before the notice stage. As stated during an interview with a key stakeholder —



We're a lot better off preventing people from being evicted than trying to deal with the consequences afterwards. It is not only more equitable and humane, but it is also more cost effective."

- 4) **Expanding Legal Services and Addressing Capacity Challenges:** The City of Santa Monica's right to counsel pilot provides the foundation to build more comprehensive renters' protections that meet the varying legal needs of renters. Some have complex cases that necessitate full scope representation, others report wanting guidance, advice, and to know their rights. Expanding the network of legal services providers is needed to address capacity challenges and will better ensure Santa Monica renters' legal needs can be met. Like financial assistance, early intervention is needed – the sooner legal services are available to a tenant, the better the prospective outcome.

- 5) **Eligibility:** Burdensome and overly restrictive eligibility requirements are to be avoided for both right to counsel and financial assistance programming. Adopting a prioritization system based on tenant vulnerability for right to counsel services, such as San Francisco’s model, will address concerns of legal service providers getting bogged down with verifying household eligibility in time sensitive situations, while ensuring Santa Monicans at highest risk of eviction are served. This model will also allow for phased implementation by facilitating adjustments to the vulnerability index threshold (used to determine the number of households served with full scope versus limited services) based on available resources. Equitable access to services is equally important. Familias Latinas Unidas underscored this point by sharing that sometimes they are unable to obtain legal representation because of their legal status, saying “It should not be like that. Help should be the same for everyone.”
- 6) **Access:** It is important to Santa Monica renters that they have multiple ways to access renters’ protection programming, and that the services are available in their primary language. People expect there to be more than an online option, noting that not everyone has access to the internet or is computer savvy. They are requesting dedicated help to complete applications for those who need it. As shared by a member of the Community Corporation of Santa Monica’s Resident Council—

“If you are already stressed about losing your home, the process for taking care of those things should not also be stressful.”

- 7) **Support Services:** There was nearly unanimous agreement that some sort of ongoing support is needed for those with more complex needs, especially for households who may not be stable after addressing immediate eviction risks. There was also a recognition that the City’s existing resources are not designed for people who are housed and at-risk; instead, they are developed for people who are transitioning out of homelessness or criminal justice systems. Conflicting opinions about requiring services, such as financial education, underscore the importance of designing a program with unique services, tailored to the needs of each individual household.
- 8) **Flexibility and Ongoing Evaluation:** Whether scaling existing services or designing and implementing new programs, it is critical that the City of Santa Monica and its providers be nimble and integrate ongoing evaluation practices. Formal program evaluations at regular intervals that allow for programmatic adjustments will not only ensure the program is meeting its stated objectives, but also provide the community at-large confidence in the project.

RECOMMENDATIONS

The following recommendations provide the framework for a comprehensive Renters' Protections Program. They include recommendations for the overall program design, right to counsel and flexible financial assistance services, phased implementation (including projected budgets), and keys for program development.

- 1) **Overall Program Design:** It is recommended that the City of Santa Monica identify and allocate funding for a comprehensive renters' protection program that includes right to counsel and flexible financial services. Funding should be sufficient to cover eligible direct and indirect expenses and should be distributed in the form of grants to qualifying nonprofit organizations. City personnel should administer grants and facilitate evaluation, with ongoing community engagement and feedback through a small advisory group comprised of Santa Monica renters and other stakeholders. *Refer to Exhibit B for detailed Overall Program Design description.*
- 2) **Right to Counsel Services:** It is recommended that the City of Santa Monica develop a comprehensive set of right to counsel services that includes community outreach, tenant rights education, legal services comprised of full scope representation or limited services when program capacity issues do not enable full scope, and financial assistance for unlawful detainer involved tenants. *Refer to Exhibit C for detailed Right to Counsel Services description.*
 - a. Develop a large-scale community outreach plan to educate Santa Monica renters, landlords, and community service organizations about the program.
 - b. Expand tenant rights education and diversify methods for providing education services.
 - c. Create a permanent right to counsel program that provides tenants at-risk of eviction with full scope representation or limited services (based on tenant needs and/or capacity of legal service providers). Limited services may include, guidance and advice, tenants having an answer filed on their behalf, fee waivers, etcetera. In this model, all Santa Monica renters will be eligible for some form of legal services.
 - d. Establish a tool for prioritizing access to full scope versus limited services through the creation of a vulnerability index. Retain the services of a subject matter expert, such as the one utilized by San Francisco, to assist with the creation of the prioritization tool.
 - e. Provide up to \$20,000 of eviction prevention financial assistance per unlawful detainer involved tenant as a resource for saving their tenancy, or to support their relocation for those who lost their case. Limited eligibility requirements, such as income and ability to sustain housing after receiving the financial assistance, are recommended.

- f. Evaluate program performance no less than quarterly. A list of initial outcome measures can be found in Exhibit C.

3) **Flexible Financial Assistance:** It is recommended that the City of Santa Monica create a comprehensive set of flexible financial assistance services, that include supportive services to stabilize tenancies during times of crisis or support tenants through periods of housing instability. Leveraging the right to counsel community outreach plan to notify tenants, landlords, and community organizations of the services will be key. Tenants often know prior to their rent payment due date whether they will be able to pay their rent. Therefore, flexible financial assistance should be available to tenants at or before the 3-day notice to pay or quit stage. *Refer to Exhibit D for detailed Right to Counsel Program description.*

- a. Provide one-time rental assistance, up to \$5,000 per household, to tenants that experience a financial emergency that is impacting their ability to pay rent.
- b. Provide shallow assistance, up to \$10,000 per household, to tenants whose high housing cost burden, as defined by the U.S. Department of Housing and Urban Development, impacts their housing stability and ability to maintain their tenancy. Shallow assistance is typically longer term with lower monthly financial assistance amounts.
- c. Provide deep assistance, up to \$10,000 per household, to tenants whose housing instability, caused by a short-term crisis (such as job loss), can be mitigated through a higher financial assistance amount utilized over a shorter period.
- d. Limited eligibility requirements, such as income and/or housing cost burden, are recommended for financial assistance.
- e. Invest in housing stabilization and case management services for tenants with such needs. For example, tenants experiencing a one-time financial emergency may not require case management, whereas those needing ongoing financial assistance may.
- f. Evaluate program performance no less than quarterly. A list of initial outcome measures can be found in Exhibit D.

4) **Phased Implementation:** It is recommended the City of Santa Monica adopt a phased implementation plan over five years, beginning in FY 2025. Phased implementation is recommended for new programs and is beneficial when there are funding constraints. Developing and implementing new programs is an iterative process that is informed by formal program evaluation activities, community member feedback, and program administrators. The program evaluation results will inform program updates and funding allocations.

The chart on the following page represents the five-year budget projection, based on community need estimates found on page 13 of this report. *Refer to Exhibit E for the Budget Detail and Justification document.*

5-YEAR PHASED IMPLEMENTATION BUDGET PROJECTION	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Right to Counsel Capacity	200	240	320	400	472
Estimated Attorneys	5	6	8	10	12
% of Total Goal	42%	51%	68%	85%	100%
Right to Counsel					
Tenant Outreach & Education	\$320,338.98	\$384,406.78	\$512,542.37	\$640,677.97	\$756,000.00
Legal Services (includes indirect)	\$1,601,694.92	\$1,922,033.90	\$2,562,711.86	\$3,203,389.83	\$3,780,000.00
Eviction Prevention Financial Assistance	\$3,203,389.83	\$3,844,067.80	\$5,125,423.73	\$6,406,779.66	\$7,560,000.00
Subtotal	\$4,805,084.75	\$5,766,101.69	\$7,688,135.59	\$9,610,169.49	\$12,096,000.00
One Time Assistance Capacity	195	390	585	780	974
Intermediate Assistance Capacity	88	176	264	352	438
% of Total Goal	20%	40%	60%	80%	100%
Flexible Financial Assistance					
Financial Assistance - One Time	\$ 975,000.00	\$ 1,950,000.00	\$ 2,925,000.00	\$ 3,900,000.00	\$ 4,870,000.00
Financial Assistance - Intermediate	\$ 876,899.38	\$ 1,753,798.77	\$ 2,630,698.15	\$ 3,507,597.54	\$ 4,380,000.00
Case Management/Program Management	\$ 187,345.35	\$ 374,690.70	\$ 562,036.05	\$ 749,381.40	\$ 935,766.00
Additional Direct & Indirect Cost	\$ 37,469.07	\$ 74,938.14	\$ 112,407.21	\$ 149,876.28	\$ 187,153.20
Subtotal	\$ 2,076,713.80	\$ 4,153,427.61	\$ 6,230,141.41	\$ 8,306,855.21	\$ 10,372,919.20
Full Time Equivalent Personnel	1.5	1.5	2	2	2.6
% of Total FTE	58%	58%	77%	77%	100%
City Program Administration					
City Personnel	\$ 149,049.12	\$ 149,049.12	\$ 198,732.16	\$ 198,732.16	\$ 258,351.81
Facilities, supplies, and other expenses	\$ 14,904.91	\$ 14,904.91	\$ 19,873.22	\$ 19,873.22	\$ 25,835.18
Subtotal	\$ 163,954.03	\$ 163,954.03	\$ 218,605.38	\$ 218,605.38	\$ 284,186.99
TOTAL PROJECTED ANNUAL COST	\$7,045,752.58	\$10,083,483.33	\$14,136,882.38	\$18,135,630.08	\$22,753,106.19

**The estimated annual budgets do not include increases for wages, rent, and other cost of living measures. It is recommended the City of Santa Monica review annual cost increases and apply those percentages to the total program budget.*

Keys for Program Development

- 1) Provide multi-year funding
 - a. Exemplary communities highlighted in this report have dedicated funding streams (from revenue including taxes, bonds, trusts, etcetera) to support the ongoing operations of renters' protections programs
 - b. Renters' Protections Program budgets and standards provide guides for multi-year funding (see Exhibits B, C, D, and E for details)
- 2) Establish and maintain partnerships for service delivery
 - a. Throughout this report, considerations for establishing and maintaining partnerships are noted
 - b. The City of Santa Monica can additionally address capacity constraints, especially those caused by attorney shortages, by applying some of the following practices:
 - i. Recruit and develop qualified providers to expand the delivery network, particularly in service areas where availabilities do not meet demands for programming
 - ii. As part of this work, the City of Santa Monica should help prospective and current qualified providers through application and/or contract amendment processes
 1. Provide orientations to explain application and/or contract amendment processes and answer questions
 2. After orientations, provide technical assistance through application and/or contract amendment submission and review and facilitate smooth transitions to contract awards

EXHIBITS

EXHIBIT A

Project Contributors

ORGANIZATION

Basta, Inc.

Basta Universal

Child Poverty Action Lab

City Attorney's Office

City of Boulder

City of Long Beach

City of Philadelphia

City of San Francisco

City of Santa Monica

City of West Hollywood

Community Corporation of Santa Monica (CCSM)

Community Corporation of Santa Monica Resident Council

Community Legal Services of Philadelphia

Department of Community and Business Affairs

Eviction Defense Collaborative

Eviction Lab

Fair Housing Foundation

Familias Latinas Unidas (FLU)

Legal Aid Foundation of Los Angeles (LAFLA)

COMMUNITY

Los Angeles, California

Los Angeles, California

Dallas, Texas

Santa Monica, California

Boulder, Colorado

Long Beach, California

Philadelphia, Pennsylvania

San Francisco, California

Santa Monica, California

West Hollywood, California

Santa Monica, California

Santa Monica, California

Philadelphia, Pennsylvania

Los Angeles, California

San Francisco, California

Princeton, New Jersey

Long Beach, California

Santa Monica, California

Los Angeles, California

ORGANIZATION

Meals on Wheels

National Coalition for a Civil Right to Counsel

Santa Monica Rent Control

Santa Monica Black Empowerment Association

Santa Monicans for Renters Rights (SMRR)

St. Joseph Center

Stay Housed LA

WISE & Healthy Aging

COMMUNITY

Santa Monica, California

Baltimore, Maryland

Santa Monica, California

Santa Monica, California

Santa Monica, California

Venice, California

Los Angeles, California

Santa Monica, California

EXHIBIT B

Renters' Protections Overall Program Design

Key Activities	Qualifying Organizations	Qualifying Expenses	Evaluation Standards
<p>Provide multi-year funding for grants (consider five-year funding cycle to align with the phased implementation timeline)</p> <p>Procure right to counsel and flexible financial assistance services</p> <p>Award grants</p> <p>Reserve the right to</p> <ul style="list-style-type: none"> • Separate collaborative grants • Combine awards to form collaborative grants 	<p>Organization (or fiscal agent) with services aligning with charitable purposes set forth in Internal Revenue Code Section 501(c)(3)</p> <p>Services helping low and moderate-income households residing in Santa Monica</p> <p>Documentation of capacities for prioritizing sub-populations with the most needs</p> <ul style="list-style-type: none"> • Vulnerable populations • Persons with disabilities <p>Documentation of fiscal health</p>	<p>Direct, program expenses</p> <ul style="list-style-type: none"> • Facilities and facilities maintenance • Materials and supplies • Technology systems • Program, support, and supervisory staff <ul style="list-style-type: none"> ○ Recruitment and retention ○ Wages and fringe benefits • Sub-contractor providers <ul style="list-style-type: none"> ○ Program services ○ Consulting services • Personnel development and licensing • Events • Travel • Insurance <p>Indirect, administrative costs—10% de minimis or approved indirect cost rate</p> <ul style="list-style-type: none"> • Fiscal agent fees • Administrative staff • Sub-contractor providers <ul style="list-style-type: none"> ○ Administrative services providers ○ Auditors 	<p>Should ensure prevention of the displacement of vulnerable households through</p> <ul style="list-style-type: none"> • Tenant rights outreach and education • Full-scope legal representation • Limited services for clients at-risk of eviction, when funding does not enable full-scope services • Eviction prevention financial assistance • Flexible financial assistance • Housing stability and case management services <p>Reviews by community members with expertise in strategies, should focus on</p> <ul style="list-style-type: none"> • Alignment • Commitment to equity <p>Reviews by City of Santa Monica staff, should focus on</p> <ul style="list-style-type: none"> • Performance • Program management capabilities

EXHIBIT C

Right to Counsel Services

Key Strategies

- Educate Santa Monica tenants about the renters' protections program through community outreach
- Educate tenants about their rights, and connect those in need of services with tenant-focused organizations supporting Santa Monicans
- Provide access to full-scope legal representation for renters' eviction defenses, inasmuch as funding enables full-scope legal representation
- Continue to provide access to full-scope legal representation until an eviction notice or unlawful detainer complaint is withdrawn, the case is dismissed, or a judgement in the matter is entered
 - File responsive pleadings
 - Represent tenants in court proceedings through trials
 - Provide legal advice
- Provide access to limited services, when funding does not enable full-scope services
 - Legal assistance for renters' representing themselves in eviction defenses ("pro per" eviction defenses)
 - Limited services may include, tenants having an answer filed on their behalf, assistance with fee waivers, and advice/guidance
- Provide eviction prevention financial assistance

Key Services

- *Community outreach*
 - Inform the community of available renters' protections services, how and where to access them
 - Specifically notify unlawful detainer involved tenants of their right to counsel and information on how to access legal services
- *Tenant rights education*
 - Threats of eviction
 - Rent increases
 - Habitability matters
 - Reasonable accommodations
 - Fair housing matters
 - Rent Control Board proceedings
 - Housing Authority proceedings
 - General tenant issues
- *Legal services*
 - Full-scope legal representation for clients facing eviction, inasmuch as funding enables full-scope legal representation
 - Limited services for clients facing eviction, when funding does not enable full-scope legal representation

- Cost: Estimated at a minimum of \$315,000 per attorney with the expectation of fully supporting an attorney including administration, paralegal, social work, etc. as determined by the provider
- All Santa Monica renters should be eligible for some form of legal services; it is recommended to utilize a to-be-developed vulnerability index to determine the level and type of legal services a tenant receives
 - Recognizing that each community's needs and values differ, it is important the vulnerability index reflect City of Santa Monica goals and perspectives
- *Eviction prevention financial assistance*
 - Financial assistance to prevent evictions for tenants who have been served with an unlawful detainer and/or funding to support tenant transitions for those who lose their unlawful detainer cases
 - Financial assistance should be flexible enough for right to counsel staff to determine what is necessary and reasonable to settle the unlawful detainer case in favor of the tenant
 - If certain criteria are met, financial assistance can support up to two weeks of rent to stay the execution of the order for tenants who already lost their cases and have alternative housing ready
 - Financial assistance may also be used to support tenant relocations (deposits, first month's rent payments, etcetera) for those who lose their unlawful detainer case
 - Amount: Up to \$20,000 per household
 - Stay Housed LA and San Francisco allow for up to \$20,000 in financial assistance per household for unlawful detainer involved tenants
 - A review of 54 rent due amounts for unlawful detainer filings (from City Attorney's Office provided records, January 2023–April 2024) show 94% of tenants owed amounts less than \$20,000
 - Eligibility considerations:
 - Households must demonstrate their rent going forward is sustainable
 - Household income is below City determined area median income threshold (recommended to at least include households with incomes that are at or below 50% of area median income, in keeping with San Francisco's model)
 - Prioritization based on vulnerability factors, such as minor children in the home, age, length of tenancy, and disability status

Data Collection and Reporting

- A primary consideration for data collection and reporting is limiting an organization's administrative burden; therefore, wherever possible, reporting requirements should build upon the City's existing expectations for funded agencies

- It is further recommended, for efficiency, service providers utilize a shared client management information system (with appropriate safeguards to protect client privacy)
- Data collected during intake, and case work, are to be entered into the shared client management information system, as well as additional data sets that can be utilized for evaluating program performance
- The lead agency is to generate program-wide quarterly reports with aggregate data that includes outputs and performance outcomes (noted in the section below). The below outputs are based on the City of Santa Monica's current right to counsel pilot program.
 - Number of tenant households served
 - Number of tenant households unable to be served
 - Household demographics (age, race, ethnicity, gender, income level, zip code, etcetera)
 - Household special characteristics (homelessness history, military history, disability status, etcetera)
 - Level / Type of Service
 - # of tenants participating in tenant rights education
 - # of full-scope representation cases
 - # of limited services cases
 - # of eviction prevention financial assistance cases
 - Amount of eviction prevention financial assistance provided

Initial Outcome Measurements

- It is expected that the program will also track and report outcome measurements to evaluate program effectiveness, including the metrics currently tracked by the City's pilot program.
 - Current metrics include the number and type of limited services provided to households, and for those who receive full scope representation, the outcome of those services (i.e. negotiated settlements without litigation)
- The below list represents the minimum program performance standards expected to be tracked for the Right to Counsel services. The City of Santa Monica may opt to supplement these outcomes with additional metrics.
 - Tenant Rights Outreach and Education:
 - # of tenants connected to attorneys
 - # of tenants better understanding their rights after participating in tenant rights education
 - Right to Counsel:
 - # of households with the goal of wanting to stay in their homes
 - # of households whose eviction is prevented

- # of households moving with adequate time and resources to secure alternate housing in their community – inside Santa Monica
- # of households moving with adequate time and resources to secure alternate housing outside their community – outside Santa Monica

Key Activity—Establishing Collaborative Grant Lead Partner(s)

- Coordinate with the City of Santa Monica on community outreach efforts
- Collaborate with subcontracted partner agencies
- Coordinate with partner agencies
- Draft policies and processes
- Administer management information systems
- Facilitate personnel
 - Recruitment and retention
 - Development and licensing, including trainings
- Implement services (in accordance with funding requirements)
- Convene and apply effective practices to case conferences
- Coordinate coverage at first trial dates and serve as Los Angeles Superior Court’s contact for right to counsel services in Santa Monica
- Facilitate right to counsel service data collection, to include data from subcontracted partners, and analysis for evaluations

Additional Qualifications for Provision of Tenant Rights Outreach and Education

- Organization (or lead partner) with demonstrated experience providing tenant rights services to renters in Los Angeles County, with a preference given to those with experience providing these services to renters in Santa Monica
- Demonstrated commitment to collaborating with other tenant rights organizations and legal service providers

Additional Qualifications for Provision of Legal Services and Eviction Prevention Financial Assistance

- Organization (or lead partner) with 3 years, or more, of experience providing full-scope legal representation to renters facing eviction in Los Angeles County, with a preference given to those with experience providing these services to renters facing eviction Santa Monica
- Demonstrated commitment to collaborating with tenant rights organizations and other legal service providers

Additional Qualifying Expenses

- Staff, including
 - Advocates for outreach and education

- Paralegals
- Attorneys
 - Annually, full-time attorneys should provide full-scope legal representation to at least 45 households at-risk of eviction, with exceptions made for attorneys providing full-scope legal representation to a significant number of renters at-risk of eviction with special needs
 - Limited services to be counted at a rate of 10 to 1
- Navigators for special needs clients
- Social workers for eviction prevention rental assistance
- Litigation
 - Services of process
 - Depositions
 - Investigations
- Eviction prevention financial assistance

EXHIBIT D

Flexible Financial Assistance Services

Key Strategies

- Educate Santa Monica tenants about the renters' protections program through community outreach
- Provide rental supports to special needs populations at high risk of housing instability
 - Adults with disabilities
 - Seniors
 - Other individuals and families at high risk of housing instability
- Provide supportive services to address additional household needs that are contributing factors to housing instability
- Flexible financial assistance should, inasmuch as possible, leverage other City of Santa Monica programming, such as housing services and human services
- To avoid organizational conflicts of interest, awardees should not determine eligibility for or provide assistance to households occupying units they own or operate

Key Services

- *Community outreach*
 - Leverage right to counsel community outreach to inform the public of available flexible financial assistance services, how and where to access them
- *Flexible financial assistance*
 - Prevent at-risk households, at or before the 3-day notice stage, from adverse action that may result in an unlawful detainer and loss of housing
 - One-time assistance—to be provided, in emergencies, as one-time assistance or as a one-time supplement to shallow assistance or deep assistance
 - Shallow assistance (longer term, lower monthly amount)—to lower participants' rent burdens to sustainable levels until more permanent solutions to housing stability are developed
 - Deep assistance (shorter term, higher monthly amount)—to lower participants' rent burdens to sustainable levels, while mitigating the effects of short-term crises, until more permanent solutions to housing stability are developed
 - Amount:
 - Up to \$5,000 per household for one-time assistance
 - A review of 225 past due amount for addresses that received a single 3-day notice to pay or quit (from City Attorney's Office provided records, January 2023–April 2024) show 79% of tenants owed amounts less than \$5,000

- Up to \$10,000 per household to provide longer-term shallow subsidies or shorter-term deep subsidies as determined by household needs
- Eligibility considerations:
 - Household income is below City determined area median income threshold (recommended to not go below 50% area median income) or housing cost burden as a percent of income
 - Prioritization based on vulnerability factors, such as minor children in the home, age, length of tenancy, and disability status
 - For those requiring one-time assistance, verification of financial emergency within previous 12 months
- *Housing stability and case management* – for renters in need of such services

Data Collection and Reporting

- A primary consideration for data collection and reporting is limiting an organization's administrative burden; therefore, wherever possible, reporting requirements should build upon the City's existing expectations for funded agencies
- It is further recommended, for efficiency, service providers utilize a shared client management information system (with appropriate safeguards to protect client privacy)
- Data collected during intake and exit are to be entered into the shared client management information system, as well as the services a household received during program participation
- The lead agency is to generate program-wide quarterly reports with aggregate data that includes outputs and performance outcomes (noted in the section below). Several of the below outputs are based on the City of Santa Monica's current reporting expectations for funded agencies.
 - Number of tenant households served
 - Number of tenant households unable to be served
 - Household demographics (age, race, ethnicity, gender, income level, zip code, etcetera)
 - Monthly rent amount
 - Household special characteristics (homelessness history, military history, disability status, etcetera)
 - Level / Type of Service
 - # of tenants receiving shallow subsidies
 - # of tenants receiving deep subsidies
 - # of tenants receiving one-time assistance
 - Amount of financial assistance provided to each tenant
 - # of tenants receiving housing stability and case management services

Initial Outcome Measurements

- It is expected that the program will also track and report outcome measurements to evaluate program effectiveness, including the metrics currently tracked by the City's funded agencies.
- The below list represents the minimum program performance standards expected to be tracked for Flexible Financial Assistance services. The City of Santa Monica may opt to supplement these outcomes with additional metrics.
 - One-time Assistance
 - # of tenants remaining in their homes
 - Shallow and Deep Assistance:
 - # of tenants remaining in their homes (at exit and at 3-month follow-up)
 - # of tenants moving into below market rental units (specifying inside or outside of Santa Monica)
 - # of tenants moving into market-rate rental units (specifying inside or outside of Santa Monica)

Key Activity— Establishing Collaborative Grant Lead Partner(s)

- Coordinate with the City of Santa Monica and right to counsel provider(s) on community outreach efforts
- Collaborate with subcontracted partner agencies
- Coordinate with partner agencies
- Draft policies and processes
 - Eligibility
 - Area median income considerations for
 - Rent burden thresholds
 - Rent burden target(s)
 - Maximum amounts and durations of assistance
- Administer management information systems
- Facilitate personnel
 - Recruitment and retention
 - Development and licensing, including trainings
- Implement services (in accordance with funding requirements)
- Facilitate flexible financial assistance service data collection and analysis for evaluations

Additional Qualifications for Provision of Flexible Financial Assistance

- Organization (or lead partner) with 3 years, or more, of experience providing rental assistance in Los Angeles County, with a preference given to those with experience providing these services to renters in Santa Monica
- Demonstrated commitment to collaborating with rental assistance organizations

EXHIBIT E

Budget Detail and Justification

Right to Counsel - Legal Services	Estimated # of Attorneys	Estimated Cost Per Attorney	Estimated Annual Cost	Justification
<i>Outreach and Tenant Education</i>			\$ 756,000.00	This line item includes both community outreach and tenant education (see Exhibit C - services and outcome sections, for more detail). Per LAFLA, these services are typically calculated at 20% of the cost of legal services, noted below.
<i>Legal Services</i>	12	\$ 315,000.00	\$ 3,780,000.00	<p>The cost per attorney is based on San Francisco's model for one "fully loaded" attorney in FY '24. Their cost includes: 1 FT attorney, .25 Social Services Advocate, .25 Legal Supervision .15 intake staff; \$660 litigation expenses per client; 15% overhead.</p> <p>LAFLA provided the total number of total attorneys (12) needed to support the estimated annual number of Santa Monica renters (472) who may receive an unlawful detainer (UD). The number is based on 40 full scope cases per attorney per year. The current annual case rate is 50 cases per attorney, however due to the complexity of cases and with the utilization of law fellows to address attorney shortages, LAFLA recommends a lower case rate. Communities, such as San Francisco, are considering lowering annual caseloads to 1:45. The City of Santa Monica will need to negotiate with the selected contracted legal services provider(s) to establish a mutually agreed upon annual caseload size, which will impact the total number of attorneys needed.</p> <p>NOTE: The City of Santa Monica currently funds two right to counsel (RTC) attorneys through the pilot and two additional attorneys, who provide housing related legal services, through LAFLA's general services contract. Based on the number of estimated attorneys needed for RTC, the City would need to fund eight more attorneys.</p>
Subtotal Legal Services				\$ 4,536,000.00
Right to Counsel - Financial Assistance	Estimated # of Households	Estimated Amount per Household	Estimated Annual Cost	Justification
<i>Flexible Financial Assistance - For tenants in eviction proceedings</i>	378	\$ 20,000.00	\$ 7,560,000.00	This funding is to enable UD involved tenants to remain in their homes. The estimated amount of financial assistance per household is in keeping with the amount available to UD involved tenants receiving services through Stay Housed LA and in San Francisco.
Total Estimated Right to Counsel Program Annual Cost \$ 12,096,000.00				

Flexible Financial Assistance	Estimated # of Households	Estimated Amount per Household	Estimated Annual Cost	Justification
<i>One-time Emergency Assistance - For tenants at or before 3-day notice stage</i>	974	\$ 5,000.00	\$ 4,870,000.00	Provides one-time rental assistance for tenant households that have a financial emergency that impact their ability to pay rent. 79% of tenants who received one 3-day notice to pay or quit had a past due amount of less than \$5,000 (based on landlord filings with CAO).
<i>Intermediate Financial Assistance - For tenants at or before 3-day notice stage</i>	438	\$ 10,000.00	\$ 4,380,000.00	Provides flexibility for a households needing a long-term shallow subsidy (i.e. \$400 for up to two years) or a short term deep subsidy (i.e. \$2,500 for four months) to assist with housing stabilization while working with a case manager on a long term plan.
Subtotal Financial Assistance			\$ 9,250,000.00	
Flexible Financial Assistance - Support Services	Estimated # of FTE	Estimated Annual Salary + Benefits	Estimated Annual Cost	Justification
<i>Case Managers / Intake Staff</i>	9	\$ 90,974.00	\$ 818,766.00	Case management services are expected to be primarily utilized for those receiving intermediate rental assistance. City of Santa Monica provider, St. Joseph Center, has caseloads of 1:25 for their older adult program. The estimated number of case managers assumes the same caseload size for flexible financial assistance & stabilization services with caseloads turning over twice annually. The estimated salary is based on the U.S. Bureau of Labor Statistics reference for job code "Social Worker, All Other" in Los Angeles-Long Beach-Anaheim geographic area. The mean annual wage is \$69,980, plus added 30% for benefits.
<i>Program Managers</i>	1.5	\$ 117,000.00	\$ 117,000.00	The estimated salary is based on the U.S. Bureau of Labor Statistics reference for job code "Social and Community Service Manager" in Los Angeles-Long Beach-Anaheim geographic area. Mean annual wage is \$88,920; added 30% for benefits.
<i>Facilities, Program Supplies, Equipment, etc.</i>			\$ 93,576.60	Assumes 10% for additional direct program expenses.
<i>Indirect Costs</i>			\$ 93,576.60	Assumes 10% de minimis indirect cost rate.
Subtotal Support Services			\$ 1,122,919.20	
Total Estimated Flexible Financial Assistance Program Annual Cost				\$ 10,372,919.20

City of Santa Monica Program Administration	Estimated # of FTE	Estimated Annual Salary	Expense Assigned to Program	Justification
<i>Administrative Analyst</i>	0.33	\$ 109,558.80	\$ 36,154.40	<p>The staffing plan is based on the October 2023 City of Los Angeles Housing Department report for establishing a right to counsel program in Los Angeles. The Housing Department recommended five full-time equivalent (FTE) positions.</p> <p>The City of Santa Monica proposed staffing model is based on 2.6 FTE. The estimated salaries are based on Santa Monica city personnel salaries plus 30% for benefits. Base salary for an Administrative Analyst is \$84,275, plus 30% for benefits</p>
<i>Policy & Performance Analyst</i>	1	\$ 109,558.80	\$ 109,558.80	Base salary of \$84,276, plus 30% for benefits
<i>Data Analyst</i>	0.33	\$ 109,558.80	\$ 36,154.40	Base salary of \$84,276, plus 30% for benefits
<i>Staff Assistant - III</i>	0.5	\$ 80,168.40	\$ 40,084.20	Base salary of \$61,668 plus 30% for benefits
<i>Staff Assistant - II</i>	0.5	\$ 72,800.00	\$ 36,400.00	Base salary of \$56,000 plus 30% for benefits
<i>Facilities, Program Supplies, Equipment, etc.</i>			\$ 25,835.18	Assumes 10% for additional program administration expenses
Total Estimated City Program Administration Annual Cost \$ 284,186.99				

<u>Budget Considerations:</u>				
<p>1. Communities that have enacted right to counsel protections often cite a decline in the number of unlawful detainer filings. As part of the ongoing evaluation activities, the City of Santa Monica will need to continue receiving UD filing data from the Superior Courts of Los Angeles and make adjustments as indicated by the data related to number of attorneys needed to serve Santa Monica renters.</p> <p>2. Increasing the availability of flexible financial assistance funding at or before the 3-day notice stage will inevitably decrease the number of annual UD filings, given the majority of UD filings are for non payment of rent. This too will impact the number of attorney's needed for right to counsel services.</p> <p>3. The estimated budget does not include the projected one-time cost for developing and implementing the vulnerability index and associated management information system.</p>				