



Measure X Advisory Committee

**Via Electronic Mail**

June 30, 2021

To Measure X Advisory Committee:

Housing is the foundation of education, healthcare, safe communities, and job security. Housing is the number one way to prevent homelessness. By using Measure X funds to support housing in the outlined ways, the community will receive benefits in threefold in other arenas, from education to healthcare.

We suggest Measure X funds be used in the following ways:

1. To fund direct legal representation to fight evictions on behalf of tenants.
2. To fund tenants' rights attorneys and social workers who can work in the County Courts' self-help systems. The goal of these workers must be to fight for tenants, not to mediate conflicts.
3. To fund enforcement of just cause and anti-harassment protections which will allow tenants to stay housed in the face of discrimination
4. To fund ongoing rental assistance programs even after the end of the pandemic for tenants.
5. To have a tenants' rights specific hotline that is available 24/7.

**I. Preventing Evictions Prevents Homelessness and a Host of Other Problems.**

Research consistently shows that the best way to prevent homelessness is to prevent individuals from losing their housing. While we will outline the economic and social reasons to prevent homelessness, we also believe that we all have a moral obligation to treat all human beings with dignity including the right to live in a home that is safe and healthy.

California has the third highest rate of homelessness in the United States.<sup>1</sup> Families with children and individuals compose the 161,000 people who were homeless even prior to the pandemic in 2019.<sup>2</sup> Many people are not counted in homelessness data, as HUD defines homeless individuals as those living in shelters, and unsheltered community members as those individuals living in spaces not meant for human habitation such as parks or benches.<sup>3</sup> This data does not include individuals who are living on friends' couches for days at a time, sleeping in cars, or taking out massive credit card debt to pay for rent (who will ultimately lose their housing). Housing insecurity (moving multiple times, experiencing periods of homelessness, being rent burdened) are also not included in homelessness data. Homelessness data is often undercounted because families who are housing insecure or who are rent burdened (spending more than 30% of their income on rent), are consistently on the brink of being homeless at all times and often shift in and out of being homeless. All of this means that more people are falling off the cliff of homelessness more than we know.

Homelessness and housing insecurity has a number of negative consequences for the whole community. Housing insecurity or hazardous housing leads to worse mental health outcomes for children, increasing the rate of depression and other psychological states.<sup>4</sup> Homelessness and housing insecurity creates worse educational outcomes for children, long-term economic outcomes, and long-term health outcomes.<sup>5</sup> Experiencing homelessness or housing insecurity for a child will affect them the rest of their lives.

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<sup>1</sup> CBSLA staff, *California has the third highest homeless population in the US: Report*, CBSLosAngeles, December 9, 2020. <https://losangeles.cbslocal.com/2020/12/09/california-homeless-population-homelessness/>

<sup>2</sup>Chris Nichols, *California's Homeless Population Rose 7% To 161,000 Ahead Of The Pandemic*, *New Report Finds*, CAPRadio, March 21, 2021. <https://www.caprado.org/articles/2021/03/19/californias-homeless-population-rose-7-to-161000-ahead-of-the-pandemic-new-report-finds/>

<sup>3</sup>U.S. Department of Housing and Urban Development Office of Community Planning and Development, *A Guide to Counting Unsheltered Homeless People*, HUD's Homeless Assistance Programs, October 2004, p. 4. <https://www.hudexchange.info/sites/onecpd/assets/File/Guide-for-Counting-Unsheltered-Homeless-Persons.pdf>

<sup>4</sup> Kimberly A. Rollings, Nancy M. Wells, Gary W. Evans, Amanda Bednarz, Yizhao Yang, *Housing and neighborhood physical quality: Children's mental health and motivation*, *Journal of Environmental Psychology*, June 2017: vol. 50, p. 17-23. <https://www.sciencedirect.com/science/article/abs/pii/S027249441730004X?via%3Dihub>

<sup>5</sup> Veronica Gaitán, *How Housing Affects Children's Outcomes*, Housing Matters: An Urban Institute Initiative, July 2, 2019. <https://housingmatters.urban.org/articles/how-housing-affects-childrens-outcomes>

For adults, homelessness or housing insecurity leads to worse physical and mental outcomes.<sup>6</sup> Housing insecurity also increases the number of traumas a person faces including things like rape, assault, starvation, social isolation, and lack of access to primary and preventative health care.<sup>7</sup>

The best way to prevent homelessness is to keep people in safe homes. And the best way to keep people safe in their homes is to prevent evictions.

## **II. Funding Unlawful Detainer Defense and Just Cause Protections is One of the Best Ways to Prevent Homelessness.**

For more than a third of people who become homeless in California, being evicted is the first step towards being homeless.<sup>8</sup> In cities and counties without Just Cause and anti-harassment protections for tenants, evictions are fast, frequent, and unjust.<sup>9</sup> In Contra Costa County there was a yearly average of 3,928 unlawful detainers filed in the time period between 2014 and 2016.<sup>10</sup> In Contra Costa County, 41% of those evictions were a result of default judgments, which happens when a tenant fails to answer a lawsuit, which is often a result of not understanding how court procedures or timelines work.<sup>11</sup> Tenant representation by attorneys could help navigate against those default judgments. Finally, 75% of evictions occur within 45 days of a landlord filing an unlawful detainer lawsuit.<sup>12</sup> Evictions have unequal power dynamics with 90% of landlords having legal representation and at most only 10% of tenants having legal representation.<sup>13</sup>

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<sup>6</sup> Lauren Taylor, *Housing and Health: An Overview of the Literature*, Health Affairs: Health Policy Brief, June 7, 2018. <https://www.healthaffairs.org/doi/10.1377/hpb20180313.396577/full/>

<sup>7</sup> Boston Medical Center, *Housing Instability Negatively Affects the Health of Children and Caregivers*, Science Daily, January 22, 2018. <https://www.sciencedaily.com/releases/2018/01/180122110815.htm> and Patricia Martin, Winston Liaw, Andrew Bazemore, Anuradha Jetty, Stephen Pettersen, Margo Kushel, *Adults with Housing Insecurity Have Worse Access to Primary and Preventive Care*, Journal of the American Board of Family Medicine, July-August 2019, p. 521-520. <https://www.jabfm.org/content/32/4/521.long>

<sup>8</sup> David Gorin, *Californians Try to Avoid Homelessness By Short-Circuiting Evictions*, CalMatters, August 28, 2018, updated June 23, 2020. <https://calmatters.org/economy/2018/08/eviction-first-step-homelessness-california-solutions/>

<sup>9</sup> Aimee Inglis and Dean Preston, Tenants' Together Report, *California Evictions are Fast and Frequent*, May 2018, p. 1-15. [https://static1.squarespace.com/static/52b7d7a6e4b0b3e376ac8ea2/t/5b1273ca0e2e72ec53ab0655/1527935949227/CA\\_Evictions\\_are\\_Fast\\_and\\_Frequent.pdf](https://static1.squarespace.com/static/52b7d7a6e4b0b3e376ac8ea2/t/5b1273ca0e2e72ec53ab0655/1527935949227/CA_Evictions_are_Fast_and_Frequent.pdf)

<sup>10</sup> *Id.* at 6.

<sup>11</sup> *Id.* at 9.

<sup>12</sup> *Id.* at 8

<sup>13</sup> Heidi Schulteis and Caitlin Rooney, *A Right to Counsel is a Right to a Fighting Chance*, Center for American Progress, October 2, 2019. <https://www.americanprogress.org/issues/poverty/reports/2019/10/02/475263/right-counsel-right-fighting-chance/#:~:text=In%20eviction%20lawsuits%20nationwide%2C%20an,10%20percent%20of%20tenants>

When tenants do have legal representation, eviction rates drop by 40% or more.<sup>14</sup> In addition there are numerous other benefits to legal representation for tenants including:

- keeping eviction filings off of tenants' records,
- securing alternative housing,
- negotiating reasonable amounts of time for the tenant to move out (rather than become homeless),
- eliminating or reducing money owed to landlord because they failed to maintain the habitability of the property, and
- reducing harassment by landlords during the lawsuit, and helping tenants apply for rental assistance.<sup>15</sup>

Tenants cannot navigate the legal system on their own, because in our state, housing law is statutory. In the State of California, housing laws are often written in complicated legislative language. In addition, for most tenants to enforce their lawful tenant rights, they are required to go through complicated legal procedures that only legal workers understand. Lawyers who can take tenants from an eviction notice all the way through trial, are essential for tenants to be able to enforce and enjoy the rights allocated to them under the law. An attorney who can tell tenants their rights, can only offer brief advice, or can do simple letters will not be able to serve tenants adequately, as courtroom practice is necessary for the enforcement of tenant rights.

For example, as of January 1, 2020, AB 1482 (the Tenant Protection Act) became a minimal floor of tenant protections for all Californians. Tenants, while still needing greater rent control and harassment protections locally, now have a legal method to enforce some basic tenant rights. However, without an attorney present, it is nearly impossible for tenants to stay protected due to the obvious power imbalance between tenants who are renting, and landlords who own the property and often have more access to resources such as legal counsel.

Thirty-five percent of Contra Costa County residents are renters.<sup>16</sup> Between 2016-2019 there was a 9% rent increase throughout the county.<sup>17</sup> Even during the pandemic with an eviction moratorium in place, 135 renters were evicted in Contra Costa County, the second highest

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%20do.&text=Meanwhile%2C%20fewer%20than%201%20in,households%20receive%20federal%20rent al%20assistance.

<sup>14</sup> PolicyLink, *Legal Assistance to Prevent Evictions*, All In Cities an Initiative of Policy Link, accessed Friday, June 25, 2021. <https://allincities.org/node/46986>

<sup>15</sup> Heidi Schulteis and Caitlin Rooney, *A Right to Counsel is a Right to a Fighting Chance*, Center for American Progress, October 2, 2019. <https://www.americanprogress.org/issues/poverty/reports/2019/10/02/475263/right-counsel-right-fighting-chance/>

<sup>16</sup> Ben Engebrenth, Department of Numbers, <https://www.deptofnumbers.com/rent/california/contra-costa-county/>

<sup>17</sup> *Id.*

eviction rate in the Bay Area.<sup>18</sup> Contra Costa County needs greater tenant protection laws and direct legal representation funding to keep residents housed and prevent the harmful effects of homelessness on community members.

### **III. Use Measure X funds to Support Contra Costa County Residents Keep Their Housing**

Using Measure X funds to support legal representation of tenants will prevent homelessness and housing insecurity, in effect improving health and educational outcomes for the County overall.

First, we advocate that the County pass strong just cause and rent control protections for unincorporated Contra Costa County. Just Cause protections are legal safeguards that ensure that tenants are not evicted for discriminatory, harassment, retaliatory, or rent-gauging purposes.<sup>19</sup> Just Cause protections alone decrease evictions by 15%.<sup>20</sup> Supporting enforcement of Just Cause protections will prevent evictions which is often the first step to preventing homelessness.

In addition, Measure X funds should be used to create a continuous and long-standing fund for direct legal representation of tenants. These funds should not be used for mediation which lead to worse outcomes for tenants, perpetuate unequal power dynamics, and often result in homelessness. This legal fund should fund properly trained staff attorneys of a community organization. This fund could also support bringing tenants' rights attorneys into the Self-Help centers at courts to help file paperwork, earmark illegal notices, and support tenants not missing deadlines. In addition, adding social workers who specialize in helping families deal with the trauma of housing insecurity would provide holistic support to keep county residents housed, safer, and healthier.

Finally, the County should fund a tenants' rights specific hotline that is available 24/7. This would help tenants understand their rights, fight illegal evictions, help with negotiations, and help tenants understand their rights and obligations. As stated earlier, tenants' rights counseling with staff attorneys who have specific knowledge of statutory law help decrease court backlog, prevent evictions, keep more people housed, and ease negotiation processes for landlords as well.

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<sup>18</sup> Molly Solomon and Erin Baldassari, *More than 500 Bay Area Residents Have Been Evicted During the Pandemic, Despite Protections*, KQED, January 27, 2021. <https://www.kqed.org/news/11856817/more-than-500-bay-area-residents-have-been-evicted-during-the-pandemic-despite-protections>

<sup>19</sup> William Wilcox, *Tenants Protections for All: Renters are a Just Cause the Legislature Needs to Support*, Berkeley Public Policy Journal, December 2, 2020. <https://bppj.berkeley.edu/2020/12/02/tenants-protections-for-all-renters-are-a-just-cause-the-legislature-needs-to-support/>

<sup>20</sup> *Id.*

As The Justice in Government Project<sup>21</sup> states:

As the Judicial Council of California writes, “Eviction is one of the most urgent civil law issues for low-income individuals and families.” Tenants often lack legal representation, while landlords often have counsel...When tenants have counsel they are more likely to remain housed, ultimately reducing bouts of homelessness...They found that tenants were more likely to remain in their homes, receive more days to move, have a higher settlement rate with balanced representation, and a lower trial rate when they have full representation.

We encourage the Advisory Committee, as advocates for the most marginalized communities, to consider what is best for *everyone*. And what is best for everyone is to prevent evictions, stop homelessness, and improve outcomes for everyone in the County.

Sincerely,  
Reetu Mody, Managing Attorney  
Centro Legal de la Raza

*Along with Raise the Roof Coalition Members:*

The Alliance of Californians for Community Empowerment (ACCE)  
California Nurses Association (CNA)  
Centro Legal de la Raza  
Contra Costa Central Labor Council  
Central County Regional Group (CCRG) of First 5 Contra Costa  
East Bay Alliance for a Sustainable Economy (EBASE)  
East Bay Housing Organization (EBHO)  
Ensuring Opportunity, the Campaign to End Poverty in Contra Costa County  
The Faith Alliance for a Moral Economy (FAME)  
Lift Up Contra Costa  
Monument Impact  
Tenants Together

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<sup>21</sup> Key Studies and Data About How Legal Aid Improves Housing Outcomes. The Justice in Government Project: July 30, 2019: <https://www.american.edu/spa/jpo/toolkit/upload/housing-7-30-19.pdf>