



KEVIN DE LEÓN

Los Angeles City Council, District 14

September 14, 2022

Honorable Members of the City Council
City of Los Angeles
% the City Clerk, City Hall
200 N Spring Street, Room 395,
Los Angeles, CA 90012

RE: LADH Report Back on CF#21-0042, 21-0042-S3 and Ending of COVID-19 Tenant Protections

Honorable Colleagues,

In February of this year I signed a motion, Council File 22-0042-S3¹, which instructed the Los Angeles Housing Department ("LAHD") to report back with a detailed plan to close out the Local State of Emergency and Eviction Moratorium Protections ("Moratorium Protections") created during the onset of COVID-19. My intent and understanding was these instructions would set the framework for us to decide how to move forward on ending those temporary policies in a way that would not cause widespread displacement and homelessness. On August 25, 2022, LAHD responded to our motion with the report back.² I am writing this letter today because I have serious concerns that the recommendations in the report are hastily drafted, piecemeal and inadequate for the prevention of displacement and homelessness in our City of Angels.

The Moratorium Protections were created with urgency in a time of extraordinary crisis for the entire world, as temporary provisions meant to mitigate a fast moving crisis of high unemployment, severe illnesses and death due to COVID-19. Credit is due to those of you who crafted these emergency provisions during those earliest spring weeks and summer months of the pandemic when no one knew if any further help would be arriving, if the economy would ever recover, or how many deaths we'd experience.

¹ https://clkrep.lacity.org/online/docs/2021/21-0042-S3_misc_2-22-22.pdf

² https://clkrep.lacity.org/online/docs/2021/21-0042-S3_misc_8-25-22.pdf

Even in its third year, the pandemic and all of its associated chaos and pain are far from over. My service to the people of my district has been entirely within these long years of COVID-19. I took office to serve the 14th Council District in October 2020, and never served during what we could call the “normal” time of elected office, the days before March 2020. At 33,385 deaths later and still counting, the interrelated pandemics of social injustice and racial inequality continue to create disparate death rates and economic impact borne among Latinos, immigrants, African Americans, as well as the poor, the elderly, the disabled, and all other low income communities of color. Normal will never come again, and it is my strongest belief that we were called to serve the City to ensure that what comes after is better than the normal we had before.

The most important argument for ending the Moratorium Protections is that many of these provisions were not meant to last forever. I agree with that. Rent is owed to landlords, especially the majority of rule-following landlords who own only one or two properties and a handful of units. I do agree with this report that both tenants and landlords are owed clarity on the timeline for repayment of the current and past due rent, especially given the potential for confusion between repayments required by state and local laws. Yet we are still within a crisis of homelessness, and a global pandemic, and I will not support rushing forward blindly to an arbitrary date, picked for no particular reason beyond our shared exhaustion. The work that remains is crafting a specific plan forward to avoid harm by truly supporting tenants and landlords alike as we transition out of the moratorium period. Many of them have given up on expecting any true help.

That is why I cannot accept this report as anything close to a credible roadmap forward. It once again reminds me that there are other tasks we set before the LA Housing Department - *and funded* - which would have critically supported this work, which are not yet completed. For example, our January 2021 motion to create a Renters Relief Registry – a single digital platform for LA renters to be routed to all the different agencies where they need help, a place for them to confirm that the rent they are being charged is correct, and a way for us to track data about those who are most at risk of becoming homeless.³ During the FY21-22 budget process, we helped secure \$750,000 to fund this specific effort. To date, there has been no progress based on the *clear direction* that Council provided over a year ago.

As the Councilmember to Skid Row, and the representative for the Council District with the largest population of unhoused Angelenos, my work takes me every single day to the doorstep of this humanitarian crisis. There are countless stories, experiences, and explanations for why and how we have arrived at this point; however if there's one thing I've learned from conversations with our unhoused neighbors, and is here in between the lines of this LAHD report, it's that the unholy trinity of evictions, poverty, and homelessness are driven by deep inequities in our systems that must be addressed.

As Chair of the Homelessness and Poverty Committee, I have a sense of hope because this year a tiny encouraging sliver of progress comes after decades of stagnation. I know it is

³ <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-0062>

imperative to close the floodgates of newly unhoused persons. It makes absolutely no difference if we make exponential gains in the speed of permanently housing our unhoused constituents if every person we house hands their space on a sidewalk over to someone new.

In those “normal” years before the pandemic, an estimated 30,000 evictions a year were filed in the City of Los Angeles.⁴ During the pandemic, eviction filings dropped by 67%.⁵ Given that one in four newly unhoused families became homeless, at least in part due to eviction⁶, I can only conclude that the gains we have seen in reducing the number of unsheltered and unhoused persons in this year’s homelessness count are partially due to the crafting of the anti-displacement policies of our Moratorium Protections.⁷ However, this year’s homeless count results for Latinos is a disturbing outlier in our success -- **a terrifying increase of 26%.**⁸

A reasonable argument for ending the Moratorium Protections is that tenants and landlords were given many opportunities to apply for rental assistance. The Emergency Rental Assistance Programs (“ERAP”) and State of California Housing Is Key Programs (“HIK”) began processing applications in September 2021 and continued through July 2022. One could assume that the \$321 million paid locally and the \$1.5 billion paid by the state to LA renters, would sufficiently allow tenants to get back on their feet and landlords to recoup their owed money.

I cannot and will not discount the toll this pandemic has taken on landlords-- specifically small scale local and/or senior landlords. Because there is no data collection, we are unable to fully comprehend the scale of impacts to landlords and the percentage of tenants who were able to pay rent and simply didn’t. I would very much like to see validated data so we can understand the statistical significance of these bad actor tenants and take steps to address them. The bureaucracy which fails to help tenants also fails to help landlords and their frustration is the flipside of the same coin.

We do at least have data on the “success” of ERAP and HIK as it relates to tenants, and as Appendix III of this report shows, the success rate was abysmal. On average, as of the time of this report, only one out of every two applications has been approved.⁹ Local ERAP processing times and application window closures were such an issue within the City that in the summer of 2021 I fought to transfer the second ERAP program to the State, believing that the State had better capacity to process applications in a timely manner.

However, lawsuits filed against the State’s program point out that most materials for the application website were only available in English until around June 2021 and no system existed

⁴2021-2029 Housing Element CH1: Housing Needs Assessment pg 112

⁵ Keep LA Housed Coalition Letter July 15, 2022 included in supplemental to LAHD report

⁶ https://clkrep.lacity.org/online/docs/2018/18-0610_rpt_MAYOR_11-01-2019.pdf pg 4

⁷https://info.stout.com/hubfs/PDF/Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report_12-10-19.pdf pg 21

⁸<https://laist.com/news/housing-homelessness/la-hsa-los-angeles-2022-homeless-count-latino-homeless-increase-26-percent>

⁹ https://clkrep.lacity.org/online/docs/2021/21-0042-S3_misc_8-25-22.pdf Appendix III

to help applicants with visual impairments apply.¹⁰ Statewide, 82 to 86% of all HIK applications were filed by applicants whose primary language was English.¹¹ Anecdotally, my office heard from tenants that their applications were denied even for simply not responding to a single message sent to them in languages they did not understand.

The further I look into who the assistance programs helped and who they did not, the worse the situation for our renters appears to be and the more the data shows why in particular, Latino homelessness is rising so dramatically.

Two out of three Angelenos are renters and 56% percent of those renters are rent burdened. Twenty six percent of renters are severely rent burdened; paying more than half their income on rent.¹² The majority of Angelenos are persons of color and Latinos are the largest single ethnicity, at 46.8% of our population.¹³ A UCLA study found that Asian and Latino renters were severely underrepresented in the registry and “a majority of California renters experiencing housing-related stress did not benefit from rent relief programs.”¹⁴ Many tenants took on “shadow” debt by borrowing from friends and family to pay some or all of their rent which will not be covered by the rental assistance program.¹⁵

In Los Angeles, 36.9% of Angelenos are foreign-born and 10.4% are undocumented immigrants.¹⁶ Data shows 23% of Los Angeles County residents do not speak English very well.¹⁷ The vast majority of County residents who do not speak English as a primary language at home are Spanish speakers followed by Chinese (Mandarin, Cantonese), Korean, Armenian, Tagalog (Filipino), Vietnamese and Persian (Farsi, Dari). Professor Vyacheslav Ivanov of UCLA, estimates there are at least 224 identified languages in Los Angeles County, meanwhile, most of our aid and systems at all levels of government are still built for just one language.

As of this time period, the California Superior Court of Alameda County has paused the California Department of Housing and Community Development (HCD) from issuing any denials of rental assistance applications and concluded that a violation of tenant’s constitutional rights may very well have taken place in the application denial process.¹⁸ The decision in the case will affect over 100,000 pending denials statewide. Meanwhile 47,000 local renters who have applied for rental assistance already report being served eviction notices.¹⁹

Low-income communities of color die from COVID-19 at disproportionate rates, experience homelessness in greater numbers, experience pollution at higher levels, and are robbed of

¹⁰ <https://calmatters.org/housing/2021/10/california-rent-relief-immigrants-barriers/>

¹¹ <https://calmatters.org/housing/2021/10/california-rent-relief-immigrants-barriers/>

¹² https://clkrep.lacity.org/online/docs/2021/21-0042-S3_misc_8-25-22.pdf pg 2

¹³ 2021-2029 Housing Element CH1: Housing Needs Assessment

¹⁴ <https://latino.ucla.edu/research/renter-insecurity-covid-19/>

¹⁵ https://clkrep.lacity.org/online/docs/2021/21-0042-S3_misc_8-25-22.pdf pg 2

¹⁶ 2021-2029 Housing Element CH1: Housing Needs Assessment

¹⁷ <https://www.laalmanac.com/population/po47.php>

¹⁸ <https://publiccounsel.org/press-releases/judge-orders-ca-dept-of-housing-community-development-to-stop-denying-state-rental-assistance-applications-until-further-review/>

¹⁹ https://clkrep.lacity.org/online/docs/2021/21-0042-S3_misc_8-25-22.pdf Appendix III pg 9

years in average life expectancies. From this report; “tenants in neighborhoods with a higher risk of housing expectancy and highly impacted by the pandemic received about 10% less approved applications than tenants in more affluent areas.”²⁰

This should be a dire concern to this entire Council. Nearly every Council District has areas which are still extremely vulnerable. Areas of known unmet need and high vulnerability are:

- CD1: Pico Union, West Adams, and Lincoln Heights
- CD 2: Portions of North Hollywood, and Sun Valley
- CD 3: Parts of Canoga Park
- CD 5: Near Westwood Park
- CD 6: Neighborhoods in Panorama City, Sun Valley
- CD 7: Several neighborhoods in Pacoima and the southern portions of Sylmar
- CD 9: South Central Los Angeles
- CD12: Portions of Chatsworth
- CD14: Boyle Heights, Lincoln Heights and El Sereno
- CD15: Watts, parts of the Harbor Gateway, Wilmington and Harbor City areas of the South Bay

Housing insecurity and homelessness is concentrated among these minimum wage workers we held up as essential during COVID-19, the ones who risked themselves the most in service to others: healthcare workers; janitors and housekeepers; child care, hotel and food service workers; rideshare drivers, and grocery store employees. To afford today’s average rent in LA a minimum wage worker would need a 123 hour workweek.²¹ **The people whose sacrifices sustained the middle class and wealthy of Los Angeles, the people who look like the women who raised me, are the ones I am most concerned about displacing if our approach to this work isn’t systematic, outcome driven, and evidence based.** We owe them more than we can ever begin to repay with this broken relief system as they grieve the passing of their loved ones, and face their rising debts.

All these calculations on a piece of paper represent real people, including one of my own staff members who lost her 49-year old father to COVID-19 last year. The family breadwinner and a Boyle Heights constituent, his death left his wife and daughters emotionally and financially devastated. They were one family among thousands who received an ERAP denial letter. That letter stole their hope of repaying the rent that had accumulated for 6 months, while their family prayed for their husband and father as he lay in a hospital bed holding onto life.

At this time there is still no single help desk where a renter in this City can ask for help to maintain their housing and have confidence that they will get assistance in a language they speak without being re-routed over and over again. Different types of tenants also have different levels of protection and enforcement access. Rent Stabilization Ordinance (“RSO”) tenants have the most City enforcement and support as compared to those in new buildings or live-work

²⁰ https://clkrep.lacity.org/online/docs/2021/21-0042-S3_misc_8-25-22.pdf pg 9

²¹ https://clkrep.lacity.org/online/docs/2021/21-0042-S3_misc_8-25-22.pdf pg 2

units. Renters in single family housing (making up 21% of all the rental assistance applications)²² have the least access to City protections and services. Tenants with housing vouchers have to ask for help from a different agency altogether.

This is why I created staff positions of Tenant Advocate and Homelessness Director, to ensure that when Council District 14 constituents ask for help someone will care for them as people and know what happens to them, across all their case numbers in files scattered throughout a broken bureaucracy. And even with these positions, I know to truly do this work within my district, we would need many more fully funded staff.

So in the interest of keeping the majority of my constituents in their housing, and to further our work to reduce the numbers of unhoused Angelenos, I am asking for your support for the following four critical actions which create a work plan that will allow us to set a realistic date for ending the Moratorium Protections and work backwards with specific accountable milestones:

1. Implementation of the Eviction Defense Program/Right To Counsel

- a. Finish the work of the Eviction Defense Program by fully staffing this program.
- b. Expansion of Just Cause protections to all tenants.

2. Data Collection and Reporting for Proactive Intervention

- a. Finish the work of the Renters Relief Registry as envisioned in Council File 21-0062 which has already been funded, to ensure that tenants who are in greatest need are proactively helped and kept track of across different units of departments and different agencies.
- b. Create a comprehensive local eviction filing requirement, including:
 - i. A public facing database or regularly updated reporting system that collects critical data such as length of tenancy, location of eviction, type of landlord (number of units owned, corporate, trust, ect), real property owners, amount of rent, and reason for evictions.²³
 - ii. An internal system which provides the City with contact information for those tenants who are then referred immediately to the Eviction Defense Program.
- c. Publish all public data in a system similar to the Los Angeles City Planning Department's Bi-Weekly Case Filing system or their Housing Progress Dashboard.

²² https://clkrep.lacity.org/online/docs/2021/21-0042-S3_misc_8-25-22.pdf Appendix III, pg 9

²³ In New York City a coalition made up of JustFix and Right to Counsel NYC Coalition found that the top evictors accounted for 46% of all COVID-19 era evictions filed, and just four additional landlords accounted for an additional 46%, meaning 92% of an entire city's worth of eviction filings came down to a handful of property owners. (<https://www.worstevictorsnyc.org/map>)

- d. Once the Eviction Defense Programs are in place, track the cost effectiveness of interventions in the program as compared to re-housing recently unhoused persons and study the relationship between the Eviction Defense Program and the yearly Homelessness Count.

3. Rental Assistance Program Completion

- a. Work with the State of California to revisit denied and paused ERAP and HIK applications and increase the rate of approvals and support reopening the applications with new funds to reach tenants who have not yet applied due to access issues related to language or disability.

4. Equity Focused Policy and Programs:

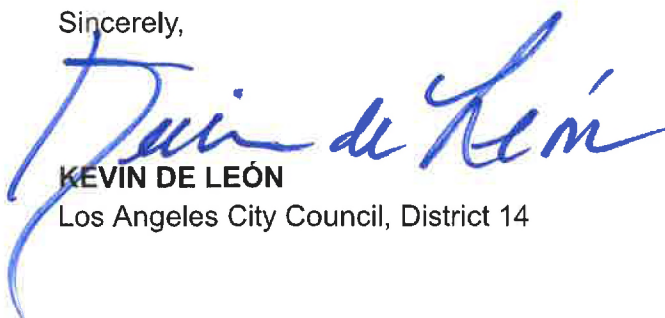
- a. Develop and fund proactive supportive outreach to the Housing and Covid Vulnerability Index areas of met and unmet need listed in the report to ensure that when the moratoriums end tenants and landlords who do not speak English as a primary language have had language accessible outreach to support and guide them through the complexities of the changing rules.
- b. Provide a Tenant Bill of Rights for all tenants and develop greater overall consistency in regulation and enforcement actions for tenants who live outside of RSO units.

Assuming that these actions are able to be completed prior to any given date for ending the Moratorium Protections, along with the tasks that LAHD committed to finishing in their report, I will be able to support subsequent motions with confidence that we can truly prevent additional harm.

Colleagues, we are at a crossroads, an inflection point where the decisions we make in the next few weeks and months will at best stabilize our current state of housing insecurity or at worst exacerbate that insecurity and deepen the humanitarian crisis of homelessness. I have the utmost confidence and trust that together we can do right by the Angelenos that are the embodiment of the diversity of our great City.

I thank you for your time and kind consideration.

Sincerely,



KEVIN DE LEÓN
Los Angeles City Council, District 14

Honorable Members of the City Council

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