

Request of Councilmember Torosis, Councilmember Zwick, and Mayor Davis directing the City Manager and City Attorney to implement and develop recommendations for programs and ordinances to protect the 70 percent of Santa Monicans who are renters amidst record evictions.

The COVID-19 pandemic presented unprecedented economic challenges that exacerbated already high housing costs and put greater financial pressure on tenants in Santa Monica. During the COVID-19 lockdown in May of 2020, when the City of Santa Monica and County of Los Angeles had enacted eviction protections for those financially harmed by the virus, 278 unlawful detainers, or eviction cases, were filed in Los Angeles Superior Court, according to the Strategic Alliance for a Just Economy. However, by June of 2023, 4,480 eviction cases had been filed in LA Superior Court, amounting to the **highest monthly total in 6 years**. And in Santa Monica, tenants who fell behind on rent payments during July 1, 2022 through March 31, 2023 are beginning to have that unpaid rent become due. This amidst a once-in-a-generation entertainment industry strike leaving those in the region's largest sector unable to work and small businesses unable to generate revenue as the industry has ground to a halt. This, coupled with rising housing costs and stagnant wages, calls for swift action to protect our most vulnerable tenants.

Tenant protections are a homeless prevention strategy. The University of California, San Francisco recently conducted the largest study of homelessness in California since the 1990s, which determined that vital homelessness intervention is preventing individuals from becoming unhoused in the first place.¹ Yet, California spends twice as much supporting homeowners through subsidies such as the mortgage interest deduction than providing subsidies for affordable housing, and while 97% of support for homeowners is permanent (meaning ongoing sources of funding), only 17% of renter resources are permanent.²

High rents in our region give landlords a monetary incentive to evict. In an attempt to mitigate the eviction crisis that has been exacerbated by the pandemic, the Los Angeles City Council enacted common sense eviction protections in January of 2023 to prevent additional tenants from falling into homelessness. These protections include barring eviction for small rental debts and requiring landlords to cover relocation costs for extreme rent increases that cause displacement.³ Ensuring tenants are protected from

¹ UCSF 2023 (<https://homelessness.ucsf.edu/our-impact/our-studies/california-statewide-study-people-experiencing-homelessness>)

² California Housing Partnership 2023

³ City of Los Angeles, [An ordinance](#) amending Section 151.09 of Article 1, Chapter XV, and Section 165.03 of Article 5, Chapter XVI of the Los Angeles Municipal Code in furtherance of the public interest to avoid forfeiture, limit displacement and homelessness, and restrict evictions for nonpayment of rent that is not material as specified, [An ordinance](#) adding Section 165.09 to Article 5, Chapter XVI of the Los Angeles Municipal Code to require payment of

eviction for being a few dollars short of rent and preventing displacement due to severe rent increases are important steps to preventing homelessness in our city.

In Los Angeles County, 90 percent of tenants facing unlawful detainers do not have legal representation, while 90 percent of landlords do. Without legal representation, tenants almost always lose their case.⁴ Alternatively, Right to Counsel prevents evictions and mitigates the discriminatory impact they have on marginalized communities. According to the Center for American Progress, tenants with legal representation are forcibly displaced from their residencies in 5% of cases, compared to 78% of tenants without counsel.⁵ As a result of this unequal power dynamic, the Los Angeles County Board of Supervisors unanimously approved a motion just last month to establish a Right to Counsel ordinance and universal access to legal representation. Similarly codifying a Right to Counsel for Santa Monicans facing eviction will help to even the power imbalance in our current system, improving case outcomes for tenants with an attorney and helping renters remain housed.

Enacting tenant protections is vital for mitigating the housing and homelessness crisis, but these protections must be accompanied with enforcement. Currently, owners are required to file eviction notices on rent controlled units with the Rent Control Board and for all units with the City Attorney's Office. However, this is not being centrally tracked. Rent increases are tracked on more than 27,500 rent controlled units, but not on non-controlled units, which includes most units built after 1979. Both the City of Los Angeles and Los Angeles County have created rent registries, or online portals where property owners register their units and provide rental unit information.⁶ Rent registries increase transparency and improve accountability for rental units, allowing the city to access real time data to monitor trends in Santa Monica's housing market and create data-informed solutions to address the local emergency on homelessness.

Therefore, the City Attorney and City Manager are being asked to, within 60 days, draft an ordinance to present to Council concerning adopting additional residential renter protections, including but not limited to:

- a) limiting evictions for non-payment of rent less than the amount of one month's rent;
- b) requiring relocation assistance for rent increases that exceed the lesser of (1) the Consumer Price Index - All Urban Consumers, plus five percent, or (2) ten percent;

specified relocation assistance to certain tenants when the tenant elects to relinquish their rental unit due to inability to pay rent increases as specified.

⁴ The Right to Counsel Coalition 2019

⁵ Center for American Progress, October 2019. "A Right to Counsel is a Right to a Fighting Chance."

⁶ Los Angeles Housing Department Rent Registry <https://housing.lacity.org/rental-property-owners/rent-registry>;

- c) a requirement that any "buyout" agreement payment reached between landlord and tenant be at least the minimum relocation required under City law for a no fault eviction; and
- d) requiring that buyout agreements reached between landlord and tenant must be registered with the City of Santa Monica and the lack of a registration shall amount to an affirmative defense in any unlawful detainer proceeding.

Further, the City Manager is being asked to, within 120 days, report back to Council with recommendations for a tenant's right to counsel ordinance including:

- a) resources needed and recommendations for a phased in implementation for a right to counsel ordinance for all Santa Monica renters in unlawful detainer proceedings; and
- b) an estimate of the funding required to provide flexible financial assistance to eligible renters facing rent increases or eviction for non-payment of rent in an effort to provide rapid problem-solving assistance to vulnerable renters to keep them housed.

Finally, the City Manager is being asked to return to the Council in 150 days with recommendations for a database of all rental units in the City as a vital safety net for renters to streamline inspections, enforce the City's short term rental ordinance, measure emerging trends around displacement, and maintain an open line of communication with both tenants and landlords.