

## Appendix I

### Eviction Defense & Prevention Full Program Guidelines

The purpose of these Program Guidelines is to implement the Eviction Defense/Prevention right to counsel program via Stay Housed LA, and any other legal service provider as determined by the Citizens Oversight Commission or LAHD.

#### I. Implementation:

- A. LAHD shall oversee the provision of eviction defense and prevention legal services by contracting with nonprofit legal services provider(s).
- B. Full Scope Legal Representation shall be phased in by zip codes during a period of time that is approximately 5 years, in a manner that LAHD determines appropriate, based on all relevant factors including:
  - 1. the prioritization of certain groups of vulnerable individuals in zip codes utilizing the City of Los Angeles's forthcoming anti-displacement mapping tool which will identify and predict existing and future direct and indirect displacement risks as part of LAHD's efforts to implement goals, policies and objectives;
  - 2. the availability of funding from all sources;
  - 3. the availability of trained and qualified attorneys to provide legal representation;
  - 4. geographic considerations vis-a-vis shared zip codes with other jurisdictions;
  - 5. the scope of the need for legal representation; and
  - 6. any other appropriate logistical consideration.
- C. Limited Scope Legal Assistance may be available, depending on legal service provider capacity, to tenants who are outside a Covered Geographical Area, or who are in a Covered Geographical Area, but have not requested legal assistance prior to the unlawful detainer trial being set.

#### II. Eviction Defense and Prevention Legal Services

##### A. Definitions.

- 1. **Covered Individual** includes any tenant:
  - a. at 80 % of the Area Median Income or below; and
  - b. who occupies a dwelling located within the City of Los Angeles under a claim of legal right, other than the owner of the dwelling, or a master tenant; and
  - c. resides in a Covered Geographic Area.
- 2. **Covered Geographical Area** is a zip code that has been prioritized, per IB. above, and for which funding has been made available for right to counsel.
- 3. **Covered Proceeding** includes:
  - a. any judicial proceeding to terminate the tenancy of a covered individual;
  - b. any proceeding deemed by a designated organization as the functional equivalent of a proceeding described in subparagraph (a); and

c. any first appeal of such a proceeding where an LSP determines that there are good grounds for an appeal.

**3. Designated Legal Services Organization (LSP) is:**

a. Any not-for-profit LSP that is designated by the Los Angeles Housing Department or;

b. Where a not-for-profit LSP is unable to provide representation, an attorney who is not an employee of an LSP but who contracts with Los Angeles Housing Department or its designee to provide legal representation to covered individuals in covered proceedings; and is authorized to practice law in California. Said attorney must have the capacity to provide legal representation to covered individuals involved in a covered proceeding, and agree to adhere to the established standards of practice.

c. The Los Angeles Housing Department will conduct an annual review of the LSP and may decline to renew the designation of any such organization.

d. The City of Los Angeles shall require the Los Angeles Housing Department to create and maintain a list of LSPs and any other designated attorneys and make that list publicly available.

**4. Full Scope Legal Representation** is ongoing legal representation provided by an LSP to a Covered Individual in a Covered Geography for a Covered Proceeding , and all legal advice, advocacy, and assistance associated with that representation. “Full legal representation” shall be provided by a lawyer authorized to practice in the State of California.

**5. Limited Legal Assistance** includes, but is not limited to: legal consultation/advice, assistance with filing or completing forms in proper, and/or referrals. It does not include tenant education or Full Scope Legal Representation.

**6. Non-Covered Individual** includes any tenant:

a. at 80 % of the Area Median Income or below; and

b. who occupies a dwelling located within the City of Los Angeles under a claim of legal right, other than the owner of the dwelling, or a master tenant; and

c. Lives outside a Covered Geographical Area.

**B. SPECIFIC TASKS – LEGAL SERVICES**

Individual tenants and tenant households shall have access to Legal Services through a variety of methods including the Stay Housed LA website and toll-free hotline, Community Based Organizations (CBO) workshops and clinics, other ULA programs, as well as individual Legal Service Provider’s own offices, hotlines and websites. Each tenant or tenant household requesting legal services must fill out an application to assess eligibility. Tenants will be referred to subcontracted legal service providers (LSPs) depending on their location (courthouse). All tenants, regardless of immigration status or language, shall be served by the program.

Covered Individuals receive first priority for Full Scope Legal Representation. Covered Individuals may receive Limited Scope Assistance for issues that are not Covered Proceedings, dependent on LSP capacity. Non-Covered Individuals may receive Full Scope Representation or Limited Scope Assistance, dependent on LSP capacity.

## **1.1 FULL SCOPE LEGAL REPRESENTATION**

- 1.1.1 Contractor shall provide Full Scope Legal Representation to Covered Individual who have had an unlawful detainer complaint filed against them.
- 1.1.2 Legal Services provided are subject to eligibility requirements for Covered Individual and availability of funding.
- 1.1.3 For the purposes of this section, Full Scope Legal Representation may include, but is not limited to:
  - 1.1.3.1 Preparing and submitting a formal response to a notice of termination of tenancy on behalf of a tenant.
  - 1.1.3.2 Representing a tenant in mediation, negotiation, or other dispute resolution between a tenant and a landlord.
  - 1.1.3.3 Legal research, investigation, and/or document review to prepare for trial.
  - 1.1.3.4 Representing tenants at an unlawful detainer trial or settlement negotiations.
  - 1.1.3.5 Representing tenants in administrative proceedings which may result in the termination of a tenancy or the loss of a federal, state, or local rent subsidy.
  - 1.1.3.6 Providing additional and/or ongoing services after the formal conclusion of an eviction proceeding or trial to stabilize a tenant's housing, including but not limited to sealing eviction records.
  - 1.1.3.7 Providing out-of-court assistance with mediation, negotiation, and/or other dispute resolution between a tenant and a landlord, including negotiating rental assistance.
  - 1.1.3.8 Any other service ordinarily provided by Contractor, or subcontracted legal service provider, reasonably related to preventing a tenant from eviction or disruptive displacement.
- 1.1.4 Contractor shall provide County with monthly updates on the progress of its Full Scope Legal Representation efforts including its ability and timeframe to reach target service levels as outlined in Attachment III (Target Service Levels) of this Statement of Work.

## **1.2 LIMITED SCOPE LEGAL ASSISTANCE**

- 1.2.1 Contractor may provide Limited Scope Legal assistance to Non-Covered Individuals or Covered Individuals with any housing issue that may potentially lead to eviction or homelessness.
- 1.2.2 Legal Services provided are subject to eligibility requirements and availability of funding.
- 1.2.3 Contractor shall provide Limited Scope Legal assistance services within clinics, via organizational and program-specific hotlines, or by direct appointments or any other means.

- 1.2.4 For the purposes of this section, Limited Scope Legal assistance may include, but is not limited to:
  - 1.2.4.1 One-on-one consultations in-person, via phone or videoconference.
  - 1.2.4.2 Preparation of a formal response to a Notice to Terminate Tenancy on behalf of a tenant.
  - 1.2.4.3 Assistance with preparation of responsive eviction pleadings, such as answers and fee waiver forms on behalf of a pro per tenant.
  - 1.2.4.4 Pro per trial preparation assistance.
  - 1.2.4.5 Enforcement of existing ordinances and local executive orders through such means as drafting demand letters to landlords.
  - 1.2.4.6 Counsel and advice on housing matters such as rent increases. Tenant harassment, landlord notices, etc.
  - 1.2.4.7 Requests for reasonable accommodations.
  - 1.2.4.8 Determinations that the three-day notice is in violation of any applicable laws (including, but not limited to, the City's RSO, the Anti-Tenant Harassment Ordinance violation, or the Just Cause Eviction Ordinance) and refer any potential violations to LAHD so the department can open a case to investigate the complaint and issue a letter to the landlord to stop the eviction;
  - 1.2.4.9 Referrals to LAHD to ensure tenants receive responses to their issues and they are navigated through the proper filing of complaints with the City Departments' Code Enforcement sections/units (LAHD, Los Angeles Department of Building & Safety, and/or other local government entities such as the Los Angeles County Department of Public Health), as well as help tenants receive assistance with any fair housing issues/violations by referring them to a fair housing organization.
  - 1.2.4.10 Any other service ordinarily provided by Contractor, or a subcontracted legal service provider, reasonably related to preventing a tenant from eviction or displacement.
- 1.2.5 In the event that it is determined a Non-Covered Individual receiving Limited Scope Legal assistance requires Full Scope Legal Representation to resolve a Covered Proceeding, Contractor may assist the individual pending availability of Full Scope Legal Representation capacity, or may refer to other available attorneys, including private attorneys who practice unlawful detainer law.
- 1.3 LSPs shall work in conjunction with community based organizations on workshops and clinics.
- 1.4 LSPs shall work in conjunction with any provider of rental assistance or other financial assistance as prescribed by LAHD.