



Adam Lid <adam.lid@lacity.org>

FW: Housing Committee Meeting 8/08/18; Item #31; File No. 18-0610 Right to Counsel

1 message

Janet Gagnon <janet@aagla.org>
To: "adam.lid@lacity.org" <adam.lid@lacity.org>

Wed, Aug 15, 2018 at 12:42 PM

Hi Adam,

I had copied you on this email as staff for the Housing Committee. However, I do not see it listed as part of the file for File No. 18-0610. I would like this added to the file as a public comment letter similar to those submitted from other private entities. What do I need to do to have that happen for this email and going forward? I understand that this issue is being heard by the City Council on Friday, so I would like this posted as soon as possible.

Thank you.

Best regards,

Janet

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From: Janet Gagnon**Sent:** Tuesday, August 7, 2018 12:48 PM**To:** councilmember.cedillo@lacity.org; councilmember.Krekorian@lacity.org; councilmember.harris-dawson@lacity.org; adam.lid@lacity.org**Cc:** matt.hale@lacity.org; Eduardo Soriano-Hewitt <eduardo.soriano.hewitt@lacity.org>; Rachel.brashier@lacity.org**Subject:** Housing Committee Meeting 8/08/18; Item #31; File No. 18-0610 Right to Counsel

Dear Housing Committee Members,

The Apartment Association of Greater Los Angeles (AAGLA) represents thousands of small "mom and pop" rental property owners (20 units or fewer) within the City of Los Angeles. Many of our members/owners are retired seniors that have invested in their community through ownership of their small rental property to provide housing to their neighbors. Many do not have any other sources of retirement income (e.g. pension, 401(k), stocks, or bonds). Some are multi-generational immigrants that chose to make a small community investment as their way to house themselves and others. Those that are not retired seniors are generally regular people working full time jobs in other industries. Our members are part of their communities and not the Wall Street institutional investors that many think of as being rental housing providers.

Right to Counsel is a bad idea for tenants, owners and all citizens of the City of Los Angeles and we urge the Housing Committee to vote NO on this motion. Right to Counsel is a significant misuse of taxpayer money that has no direct positive impact on tenant's evictions. Rather, it only serves to make eviction defense attorneys rich on the taxpayer's dime and needless draw out already long and difficult eviction processes. The City of San Francisco is only the second city in the nation to adopt a Right to Counsel law and this was done by ballot measure (notably, **not** by City Council ordinance). It is estimated that it will cost the City of San Francisco between \$4.2 million and \$5.6 million per year. All of this money goes into the pockets of defense attorneys rather than to the tenants or towards payment of rents that are duly owed.

Our members are mom & pops that provide affordable rental housing in the City of Los Angeles and do not deserve to be unfairly penalized by unscrupulous attorneys that purposefully and unjustifiably drag out an already difficult situation. Mom and pop owners cannot afford to forgo months of non-payment of rent by tenants and continue to stay in business. Is it any wonder that more and more mom & pops are being forced to sell as they cannot afford to stay in business with the City already increasing trash fees by 200-800% due to the new trash monopoly, rent control that punishes the oldest building owners by preventing them from recouping their increased maintenance and repair costs and now this outrageously expensive and unnecessary policy of Right to Counsel? As these mom & pops are forced out of business by spiraling costs and choking regulations, the City continues to lose affordable rental housing.

Instead of making things worse, how about establishing policy that makes things better? If the City of Los Angeles has an extra \$4.2 million to \$5.6 million lying around, it should create an emergency rental assistance grant that would go directly towards paying rent and help tenants avoid eviction proceedings altogether. This would directly benefit tenants and decrease the burden on our already overburdened court systems. Legal aid providers readily admit that the overwhelming majority of eviction cases are specifically for non-payment of rent. Having an attorney present does not change that economic reality. Whereas, an emergency grant would go directly to remedying the situation and allow tenants to remain in their current housing.

Recently the Shriver project has been paying for attorneys for tenants in certain courthouses in Los Angeles County. They claim that their data shows that half of all eviction cases are dropped after the tenant appears with an attorney. They make the false assumption that this means that the eviction cases were not justified. In fact, it is much more likely that the cases were dropped because the owner realized that it would cost them more money to go forward with the eviction than to pay the tenant to leave. In fact, this has created an unscrupulous cottage industry of defense attorneys with the sole purpose of stalling justifiable evictions in the hopes of extorting money from small mom & pop owners knowing that they cannot afford a long, drawn out process without facing serious financial peril. Does our City Council really want to incentives this unethical and immoral conduct by defense attorneys and tenants alike? Isn't the goal of our court system to

provide “justice” rather than artificially rigging the system by giving a free attorney to one party over another?

Where is the equality in this policy? There is zero mention of providing a free attorney to small mom & pop owners that are financially unable to hire their own attorney to evict tenants that refuse to pay the rent as required by their lease or that are dealing drugs or causing other problems at the property. In addition, there is no “needs testing” for tenants to receive their free attorney, so that even wealthy dotcom executives would be entitled to a free attorney on the taxpayer’s dime.

This entire concept is bad policy for tenants, owners and taxpayers alike. It should be rejected in its entirety by the Housing Committee and we urge them to do so.

Thank you for standing up for our retired seniors who have invested in this City by providing affordable rental housing for themselves and their neighbors.

Sincerely,

Janet M. Gagnon, Esq.



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