

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: April 15, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Gerry F. Miller *HEK for*
Chief Legislative Analyst

Council File: 13-0002-S31
Assignment No.: 13-02-0142

SUBJECT: Resolution (Perry-Alarcon) to oppose legislation, administrative action, and/or funding reductions, which would eliminate Unlawful Detainer (eviction) cases/hearings and all associated filings from three courthouses in the San Fernando Valley.

CLA RECOMMENDATION: Adopt Resolution (Perry-Alarcon) to include in the City's 2013-2014 State Legislative Program, OPPOSITION to legislation, administrative action, and/or funding reductions, which would eliminate Unlawful Detainer (eviction) cases/hearings and all associated filings at the three courthouses in the San Fernando Valley, and would transfer said cases to the Santa Monica and Pasadena Courthouses, AS AMENDED to also add opposition to any "judicial actions" that are contrary to the intent of this resolution.

SUMMARY

On February 13, 2013, Resolution (Perry-Alarcon) was introduced proposing that the City of Los Angeles oppose the Los Angeles Superior Court's new plan to "hub" cases at selected courthouses, in an effort to cut costs and close a projected \$56 million to \$85 million budget deficit. According to the Resolution, this plan will preclude the filing of Unlawful Detainer (UD) eviction cases at the Van Nuys and Chatsworth Courthouses in the San Fernando Valley. All UD cases will now be heard miles away at one of five regional courthouses (Santa Monica, Pasadena, Long Beach, Santa Monica, the Antelope Valley Courthouse in Lancaster and the Stanley Mosk Courthouse in downtown Los Angeles). Resolution (Perry-Alarcon) calls this an "insurmountable barrier" to the courts for thousands of poor, low-income, disabled, elderly and limited English speaking City residents,

The Resolution calls for the City to include in its 2013-2014 State Legislative Program opposition to any legislative or administrative action, and/or funding reductions that will eliminate UD cases from related filings from the three courthouses in the San Fernando Valley.

As of March 18, 2013, the Los Angeles Superior Court system closed 21 of its 26 courtrooms to unlawful detainer filings. Meanwhile, a lawsuit was filed in the US 2nd District Court of Appeals by various parties and the nonprofits Union de Vecinos, the Coalition for Economic Survival, People Organized for Westside Renewal, and the Independent Living Center of Southern California. This lawsuit against Presiding Superior Court Judge David Wesley, the State of California, Gov. Jerry Brown, and L.A. Superior Court Clerk John Clarke in Federal Court alleging that these closures violate the Fair Housing Act, Section 504 of the Rehabilitation Act,

the Americans With Disabilities Act, and the First and 14th Amendments. This lawsuit expresses concern that the elimination of local hearings will likely result in “dramatic increase” in the number of unlawful detainer cases that are decided by default, because of the difficulty for tenants to attend hearings across town, especially in the case of tenants with disabilities and other tenants in low-income minority communities.

At this time, there is no State Legislation specifically addressing the issue of court closures’ impact on unlawful detainer filings.

DEPARTMENTS NOTIFIED

None

BILL STATUS

None



Roy R Morales
Analyst

GFM:rrm

Attachment: Resolution (Perry-Alarcon)

13-0002-S31 RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, as part of a new broad plan to "hub" cases at selected courthouses, the Los Angeles Superior Court has proposed that 13,000 annual Unlawful Detainer (UD) eviction cases now heard at the Van Nuys and Chatsworth Courthouses in the San Fernando Valley be moved to the Santa Monica and Pasadena Courthouses, in response to reductions in funding to trial courts by the State Legislature; and

WHEREAS, the 20-25 miles from the Van Nuys Courthouse to Santa Monica, where more than 7,000 cases will be transferred, can translate to more than 5 hours round-trip on public transportation requiring multiple buses – creating an insurmountable barrier to the courts for thousands of poor, low-income, disabled, elderly and limited English speaking City residents, who are most often the UD respondents; and

WHEREAS, the proposed UD changes will inevitably rob the San Fernando Valley, where a large proportion of the City's residents live, of critical judicial resources and will leave thousands of individuals and families in the Valley, especially poor and low-income households, without access to justice for cases where basic human needs are at stake; and

WHEREAS, additionally, the proposal will result in the disruption of family lives, increase homelessness, and result in the loss of countless, irreplaceable units of affordable housing in the City of Los Angeles, including the possible impact on the City's safety-net services for thousands of Valley residents; and

WHEREAS, the communities in the San Fernando Valley to be affected by the transference of these UD's have not been notified, nor given the opportunity for public comment at a public hearing/meeting before any changes are finalized; and

WHEREAS, it is critical that any change in the administrative action which would negatively impact and inequitably burden disadvantaged groups in the City of Los Angeles be prevented and/or rectified in the interest of preventing any unnecessary disruption of family lives and potential increases in homelessness;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 State Legislative Program, OPPOSITION to legislation, administrative action, and/or funding reductions, which would eliminate Unlawful Detainer (eviction) cases/hearings and all associated filings at the three courthouses in the San Fernando Valley, and would transfer said cases to the Santa Monica and Pasadena Courthouses.



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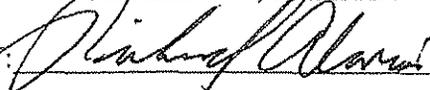
PRESENTED BY:



JAN PERRY

Councilmember, 9th District

SECONDED BY:



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