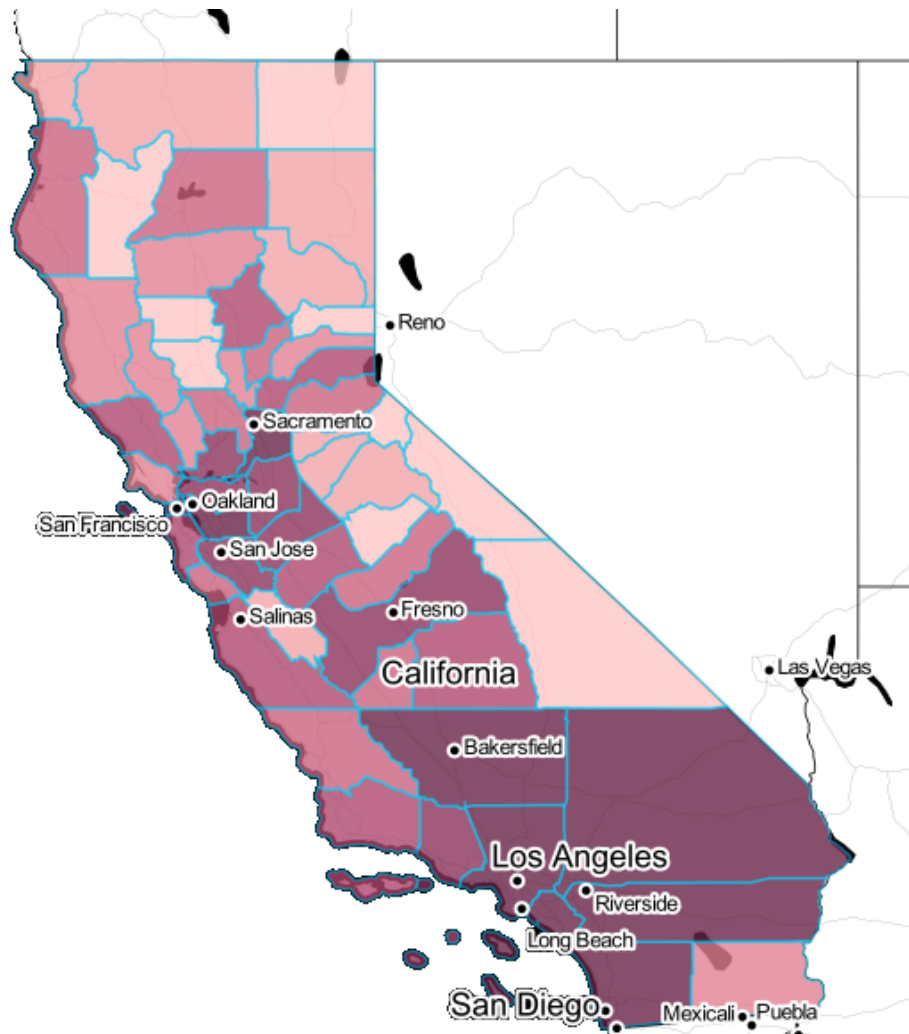

CALIFORNIA EVICTIONS ARE FAST AND FREQUENT

BY AIMEE INGLIS AND DEAN PRESTON

MAY 2018

TENANTS TOGETHER

CALIFORNIA'S STATEWIDE ORGANIZATION FOR RENTERS' RIGHTS



MAPS BY ANTI-EVICTION MAPPING PROJECT

Recent statewide data has revealed that there are on average 160,000 households facing court eviction in California annually. Currently, California law allows landlords to evict tenants without providing a reason for eviction. Tenants live in fear of eviction in retaliation for repair requests or organizing with their neighbors against rent hikes and displacement. There are 17 million tenants across California. The history, culture, and character of our communities suffer when residents live without housing security.

The growing crisis of evictions and rising rents in California has galvanized grassroots organizing for rent control and “just cause” for eviction protections (which protect tenants from unfair evictions). The California State Legislature has started to prioritize policy responses to the housing crisis. Now is a critical time to have a statewide understanding of the eviction epidemic’s role in the housing crisis. However, there are particular challenges collecting data on evictions, including lack of tracking of pre-litigation notices of eviction and limited access to court records.

Tenants Together obtained previously unreleased statewide data on the annual number of evictions from the state Judicial Council, which aggregates data from county courthouses across the state. The latest verified data available is from 2014 to 2016. Complete data from 2017 should be available later this year. Our main findings from analyzing the data include:

- Landlords file an average of 166,337 eviction lawsuits annually in California, with a total of 499,010 households facing eviction in the three-year period.
- An estimated 1.5 million Californians faced court evictions over the last three years.
- The data also verified our experience that evictions in California happen quickly. The Judicial Council reports that 60% of eviction cases are resolved within 30 days of filing. For the counties that had data available, the median percentage for default judgments against tenants was 40% of cases filed. This indicates that many tenants lose evictions because they do not file a response as required within 5 calendar days.

The Anti-Eviction Mapping Project collaborated with Tenants Together to map all unlawful detainer evictions from 2014-2016. The complete, interactive map can be found here: <https://www.antievictionmap.com/uds-in-ca/>

HOW ARE TENANTS EVICTED IN CALIFORNIA

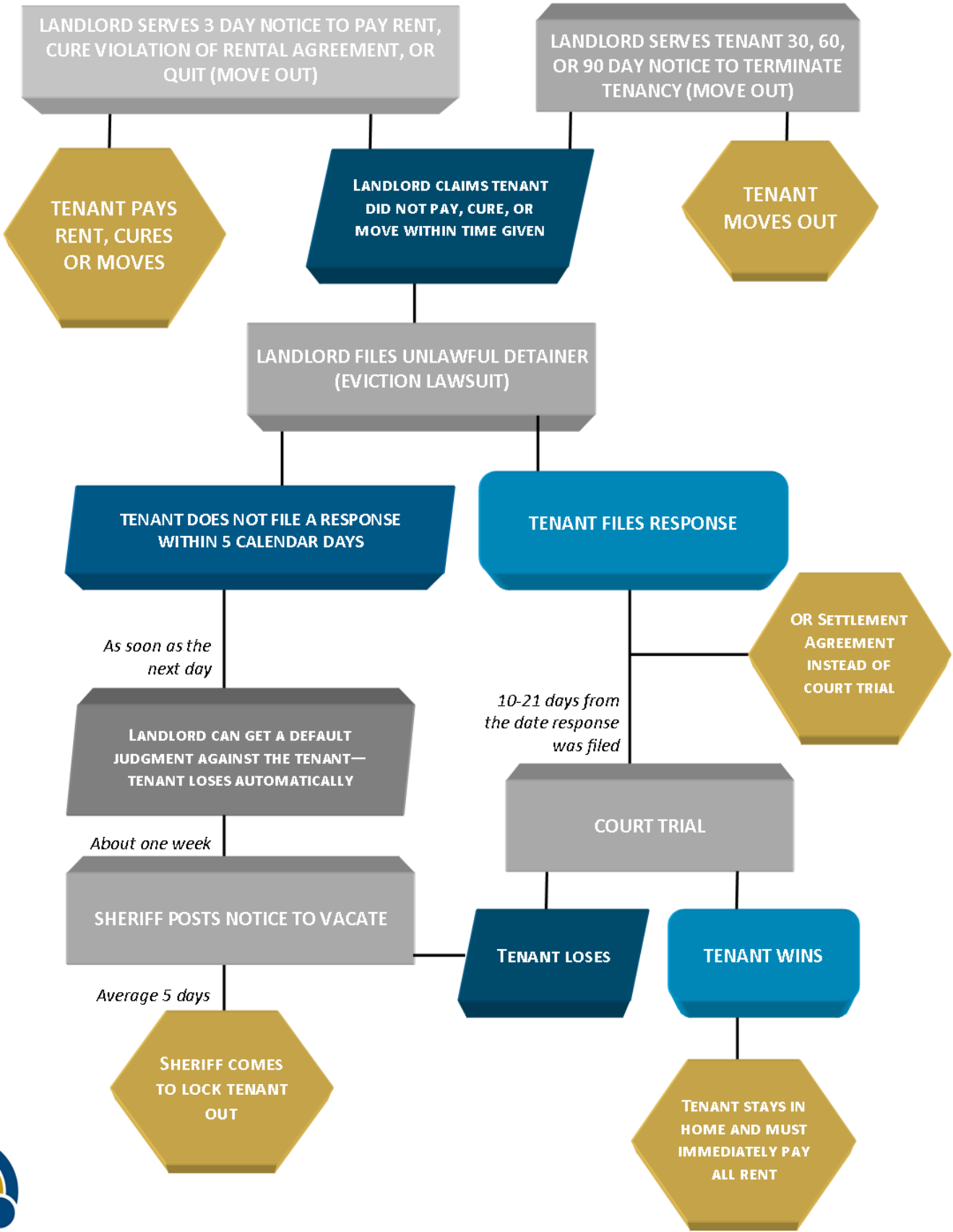
It is important to understand how the eviction process works in California in order to interpret the data. Landlords first must give tenants a notice of eviction, which is not filed with the courts. This can be called a notice to quit, a notice to cure or quit, a notice to pay or quit, or a notice to terminate tenancy.

We do not know how many of these eviction notices are given each year because these notices are not filed or recorded, except in a handful of cities where it is required by local law.

The time to comply with an eviction notice varies depending on if a landlord is evicting for unpaid rent, claims that a tenant has violated the rental agreement, or where the landlord has not claimed the tenant is at fault (again, landlords in most cities in California do not have to state a reason for eviction).

See the chart on the next page for a breakdown of the eviction process.

BASIC EVICTION PROCESS IN CALIFORNIA



160,000 HOUSEHOLDS ARE EVICTED ANNUALLY IN CALIFORNIA

Over the three year period from 2014-2016 there were an annual average of 166,337 Unlawful Detainer lawsuits¹ filed annually. With a state occupancy average for rental housing of 2.9 people, this is an estimated 500,000 people evicted per year. The data also revealed a 3-year total of 499,010 Unlawful Detainer lawsuits—an aggregate of 1.5 million people evicted over this period.

The data represents the tip of the iceberg when it comes to involuntary displacement. Most evictions do not go through the court process since landlords give eviction notices prior to the filing of unlawful detainer eviction lawsuits. Tenants who are served with this notice to terminate tenancy (also known as a notice to quit) know that they have limited rights and limited access to legal representation. In many cases, landlords serve a notice and tenants just move out. For every tenant facing a court filed eviction, there are others displaced from their homes who do not show up in court data because they moved by the end of the notice period. Currently, there is no statewide data on the number of notices to terminate tenancy served on tenants because California law does not require those notices to be filed with any government agency.² Tenants Together is calling for further research on the issue that tracks and estimates eviction notices, not just court filings.³ Tenants Together expects that such a study will show that over a million Californians each year face involuntary displacement from their homes.

¹ An unlawful detainer lawsuit, commonly referred to as a UD, is a lawsuit seeking to evict a tenant. It is a summary proceeding with significantly shorter timelines than ordinary civil cases.

² Some city level rent control laws require the filing of eviction notices.

³ CA needs a statewide eviction registry and a requirement that landlords file eviction notices so the data will be known and can inform state policy.

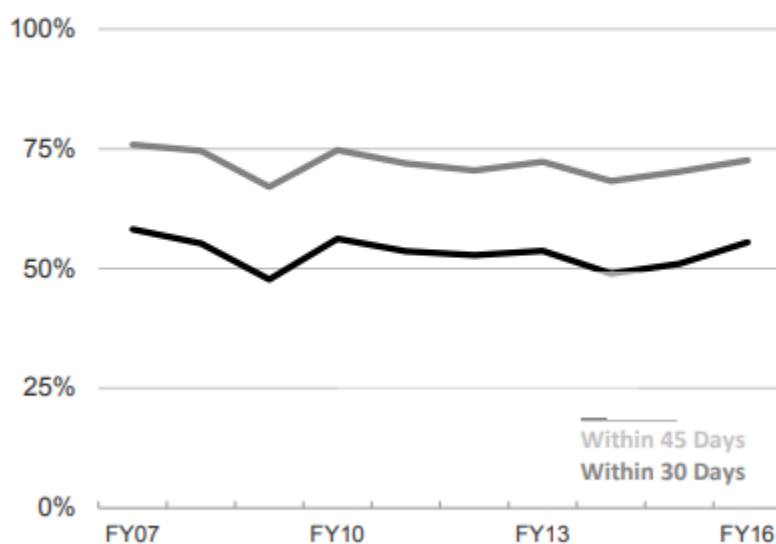
Unlawful Detainer Filings by County					
County	2014	2015	2016	3 year Average	3 year Total
Alameda	6,000	5,544	4,857	5,467	16,401
Alpine	18	18	1	12	37
Amador	98	108	114	107	320
Butte	1,012	955	916	961	2,883
Calaveras	141	143	122	135	406
Colusa	39	35	41	38	115
Contra Costa	4,346	3,922	3,517	3,928	11,785
Del Norte	112	117	110	113	339
El Dorado	577	565	536	559	1,678
Fresno	4,796	4,614	4,492	4,634	13,902
Glenn	83	30	48	54	161
Humboldt	512	522	570	535	1,604
Imperial	450	424	359	411	1,233
Inyo	30	33	47	37	110
Kern	5,098	4,793	4,703	4,865	14,594
Kings	597	515	515	542	1,627
Lake	426	404	415	415	1,245
Lassen	126	104	100	110	330
Los Angeles	56,354	55,160	51,203	54,239	162,717
Madera	509	451	431	464	1,391
Marin	452	435	409	432	1,296
Mariposa	44	40	41	42	125
Mendocino	323	297	289	303	909
Merced	1,211	1,096	1,006	1,104	3,313
Modoc	17	8	13	13	38
Mono	24	13	25	21	62
Monterey	1,047	960	922	976	2,929
Napa	288	273	269	277	830
Nevada	221	206	238	222	665
Orange	11,305	11,321	10,816	11,147	33,442
Placer	853	823	740	805	2,416
Plumas	68	52	51	57	171
Riverside	12,530	11,577	11,147	11,751	35,254
Sacramento	10,132	9,395	8,380	9,302	27,907
San Benito	123	138	111	124	372
San Bernardino	14,500	13,758	13,023	13,760	41,281
San Diego	11,977	11,210	10,656	11,281	33,843

San Francisco	3,310	3,512	3,004	3,275	9,826
San Joaquin	3,799	3,781	3,527	3,702	11,107
San Luis Obispo	608	550	455	538	1,613
San Mateo	1,590	1,562	1,396	1,516	4,548
Santa Barbara	1,074	1,085	1,022	1,060	3,181
Santa Clara	3,811	3,602	3,133	3,515	10,546
Santa Cruz	480	488	482	483	1,450
Shasta	796	668	651	705	2,115
Sierra	5	6	7	6	18
Siskiyou	198	177	214	196	589
Solano	2,426	2,409	2,128	2,321	6,963
Sonoma	1,221	1,200	1,165	1,195	3,586
Stanislaus	2,511	2,422	2,210	2,381	7,143
Sutter	444	382	320	382	1,146
Tehama	330	294	373	332	997
Trinity	43	42	50	45	135
Tulare	1,898	1,920	1,773	1,864	5,591
Tuolumne	208	170	230	203	608
Ventura	2,406	2,445	2,278	2,376	7,129
Yolo	591	549	533	558	1,673
Yuba	490	464	361	438	1,315
Total	174,678	167,787	156,545	166,337	499,010

EVICCTIONS IN CALIFORNIA HAPPEN QUICKLY

The Judicial Council data reveals that eviction court cases move through the system at breakneck speed. According to the Judicial Council's 2017 Court Statistics Report, nearly 75% of eviction cases are resolved within 45 days of filing, and nearly 60% are resolved within a month.⁴ Other civil cases take months or years to resolve. This contradicts the consistent landlord narrative that it takes many months to evict tenants who violate the terms of their lease.

Figure 19: Unlawful Detainer



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One reason so many of these evictions are resolved quickly is the high number of “default judgments” against the tenant. Through a “Clerk Default Judgment,” the tenant has failed to respond within 5 calendar days to their eviction lawsuit or has not filled out the forms correctly. There is limited to no help for tenants in responding to evictions in this short timeframe. Legal Aid organizations have strict eligibility criteria and are overwhelmed with the number of cases. Many tenants do not qualify for assistance from Legal Aid.⁵ Self-help centers in the court do not provide legal representation or legal

⁴ Court Statistics Report, Page 66, Figure 19:

<http://www.courts.ca.gov/documents/2017-Court-Statistics-Report.pdf>

⁵ LSC funded legal aid orgs only serve low-income people and cannot serve undocumented people.

advice, often lack multi-lingual capacity, and will simply direct tenants to the appropriate form. Courts themselves are often a great distance from a resident's home, and over 50 court closures statewide in the past several years have made courts even less accessible.⁶ Every step of the eviction process is a challenge. Defaults occur when tenants fail to file a response to the lawsuit, and landlords claim tenants were properly served and notified of the case. Default judgments are routinely entered by the court clerk. For a snapshot of the breakdown by county in 2016, see the table below. Note that not all counties reported data to the state on default judgments and further research will be required.

County	Clerk Default Judgement	Default Judgment by Court	Total Default Judgement	Total UD evictions filed	% Default Judgement
Alameda	1,407	0	1,407	4,857	29%
Alpine	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
Amador	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
Butte	142	0	142	916	16%
Calaveras	56	0	56	122	46%
Colusa	8	0	8	41	20%
Contra Costa	1,305	121	1,426	3,517	41%
Del Norte	0	0	0	110	0%
El Dorado	7	0	7	536	1%
Fresno	2,625	172	2,797	4,492	62%
Glenn	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
Humboldt	264	2	266	570	47%
Imperial	165	0	165	359	46%
Inyo	2	0	2	47	4%
Kern	2,242	11	2,253	4,703	48%
Kings	237	0	237	515	46%
Lake	173	4	177	415	43%
Lassen	21	0	21	100	21%
Los Angeles	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
Madera	203	20	223	431	52%
Marin	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
Mariposa	16	0	16	41	39%
Mendocino	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>

⁶ "Cutbacks in California court system produce long lines, short tempers." <http://www.latimes.com/local/la-me-court-cuts-20140511-story.html>.

Merced	522	0	522	1,006	52%
Modoc	3	0	3	13	23%
<i>Mono</i>	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
Monterey	383	4	387	922	42%
Napa	59	1	60	269	22%
<i>Nevada</i>	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
Orange	3,843	585	4,428	10,816	41%
<i>Placer</i>	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
Plumas	23	0	23	51	45%
Riverside	4,812	291	5,103	11,147	46%
<i>Sacramento</i>	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
San Benito	43	1	44	111	40%
San Bernardino	5,779	320	6,099	13,023	47%
<i>San Diego</i>	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
<i>San Francisco</i>	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
San Joaquin	1,479	1	1,480	3,527	42%
San Luis Obispo	155	6	161	455	35%
<i>San Mateo</i>	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
Santa Barbara	296	2	298	1,022	29%
Santa Clara	1,146	7	1,153	3,133	37%
Santa Cruz	150	4	154	482	32%
Shasta	278	0	278	651	43%
<i>Sierra</i>	<i>null (database error)</i>	<i>null</i>	<i>null</i>	<i>null</i>	<i>null</i>
Siskiyou	43	0	43	214	20%
Solano	3	2	5	2,128	0%
Sonoma	464	7	471	1,165	40%
Stanislaus	1,220	0	1,220	2,210	55%
Sutter	43	0	43	320	13%
Tehama	70	0	70	373	19%
Trinity	16	1	17	50	34%
Tulare	819	8	827	1,773	47%
Tuolumne	89	2	91	230	40%
Ventura	792	0	792	2,278	35%
Yolo	219	0	219	533	41%
Yuba	146	0	146	361	40%
Median %					40%

RESEARCH & POLICY RECOMMENDATIONS

With growing housing costs, lack of affordable housing supply, and short eviction notices, finding a new place to live after being evicted can be extremely hard. Families who are evicted can be pushed into homelessness or unstable shelter for months or years following eviction. California does not track evictions which occur without any court process.

Tenants Together applauds the growing body of research into evictions nationally and in California. However, the efforts to date have just scratched the surface. Structural barriers prevent a better understanding of eviction dates:

- First, eviction notices result in displacement and are not tracked, except in a handful of cities.
- Second, many eviction lawsuits are shielded from public view, which helps to prevent tenant blacklisting, but necessitates greater state government involvement to track and release relevant data.

Tenants Together proposes a state requirement that a landlord file a copy of the eviction notice with a government agency.

The staggering number of evictions also calls for greater tenant protections. Our collective goal must be to reduce evictions. They are destabilizing for communities, traumatic for tenants, and plunge tenants further into a cycle of poverty. There are many common sense policies that would reduce evictions. Tenants Together identifies some major steps in the following pages.

REQUIRE JUST CAUSE FOR EVICTION AND EXPAND RENT CONTROL

Currently, most California tenants are subject to unregulated rent increases and can be evicted without a landlord stating cause for eviction. This failure to provide reasonable protections in the rental market drives high eviction numbers. Tenants Together advocates for local communities experiencing unfair displacement of tenants to consider and pass local rent controls and eviction protections. The repeal of the Costa-Hawkins Rental Housing Act,⁷ a state law that severely limits local rent control laws, will allow cities to choose to protect more residents with rent control.⁸ Eviction protections for all renters are possible now even without the repeal of Costa Hawkins. These protections are often known as “just cause for eviction” laws.

Pending in the California Assembly at the time of this report is AB 2925, a measure by Assemblymember Rob Bonta (D – Oakland) that would require a landlord to state cause for eviction. The bill would establish a state requirement of cause for eviction and encourage, but not require, cities to pass local laws specifically defining the grounds on which a landlord may evict a tenant. **Requiring a stated cause for eviction will protect tenants from arbitrary, discriminatory or retaliatory evictions.** AB 2925 will help protect California tenants from living in uncertainty, hoping they are not unjustly evicted from one day to the next. Just-cause eviction policies protect marginalized communities, such as the elderly, low-income residents, people of color, and people with disabilities, stabilizing their housing in the midst of a devastating housing crisis. As we continue to endure this housing crisis, AB 2925 is another necessary ingredient to protect tenants and keep a roof over their heads.

⁷ Signatures have been submitted to place the repeal of Costa Hawkins on the November 2018 statewide ballot.

⁸ “Communities Thrive with Rent Control” toolkit:
<http://www.tenants-together.org/rent-control-toolkit>.

PROVIDE A FAIRER TIMELINE FOR EVICTION

It is a matter of basic fairness for tenants to have more time to respond to eviction notices. Abusive landlords will often file eviction lawsuits on a Friday, leaving tenants with only 3 business days to access the courts (known as “holiday evictions”). Three days to pay rent or cure a rental agreement violation is not enough time for most people to access rental assistance or make accommodations to the landlord. Once the three-day notice has expired, the tenant has no right to pay to stay in her home, even if she can come up with all the rent on Day 4. This is an unnecessarily punitive statute and is out of step with tenant protections in other states across the country. As a practical matter, tenants cannot move in three days. They are forced to litigate eviction cases rather than having a reasonable amount of time to focus on either coming up with the rent money or finding alternative housing.

In 2011, Tenants Together sponsored AB 265 (Ammiano), the Fair Rent Payment Act, which would have extended the time for notices, but the California Legislature was not ready to make that change thanks to real-estate industry influence in the Capitol. A new bill seeks to make this change at long last. AB 2343 (Chiu) would extend the deadline to respond for notices to pay or quit, as well as the deadline to respond to a summons in an unlawful detainer action, giving tenants more time to respond to eviction cases and eliminating “holiday’ evictions.”

PROVIDE A RIGHT TO COUNSEL

Federal funds for legal aid have been slashed for decades. 90% of tenants facing eviction do not have representation from an attorney. Unlawful detainers are highly technical and confusing to tenants who do not have representation, yet face incredibly high stakes.⁹ Given the lack of eviction defense resources, many tenants do not bother asserting defenses to eviction, even where the eviction is clearly illegal. Furthermore, tenants are pressured to settle cases and move out, in no small part because of the lack of legal representation.

California took a step in the right direction with the Shriver Project, a 5-year pilot project that started in 2011, which infused funds into specified regions for civil representation, including unlawful detainer defense. A 2017 report on project outcomes highlighted the following:¹⁰

- Only 6% of Shriver clients were evicted from their homes;
- Only 8% of Shriver clients receiving full representation received a Default judgment against the tenant;
- Shriver counsel helped get tenants more time to move out.

A growing national movement seeks to create a right to counsel for cases involving critical human needs, including tenants facing loss of their homes. New York City became the first city in the country to guarantee a right to counsel to tenants facing eviction. At the time of this report, San Francisco voters are being asked whether their city should become the first city in California, and the second in the nation, to extend this protection to tenants. Our Executive Director is the author and official proponent of that measure. We will know on June 5 if this will become law. Tenants Together urges other cities to consider passing right to counsel laws. The state should also consider this, as well as immediately increasing funding for legal aid.

⁹ Sample Unlawful Detainer answer for a tenant to fill out:
<https://actionnetwork.org/groups/tenants-together/files/23572/download>.

¹⁰ "Free Legal Services Help Settle High Stakes Civil Cases."
<https://newsroom.courts.ca.gov/news/shriver-pilot-report>.

DEAN PRESTON IS THE FOUNDER AND EXECUTIVE DIRECTOR OF TENANTS TOGETHER, CALIFORNIA'S STATEWIDE ORGANIZATION FOR RENTERS' RIGHTS, AND A TENANT ATTORNEY FOR OVER 18 YEARS.

AIMEE INGLIS IS THE ASSOCIATE DIRECTOR AT TENANTS TOGETHER AND A RENTERS' RIGHTS COUNSELOR AND ADVOCATE FOR 7 YEARS.

TENANTS TOGETHER HAS TRAINED HUNDREDS OF CALIFORNIA ATTORNEYS, COUNSELORS AND ORGANIZERS ON TENANT RIGHTS ISSUES AND PROVIDES ONGOING TECHNICAL ASSISTANCE TO TENANT ADVOCATES ACROSS THE STATE.

Tenants Together is a statewide coalition of local tenant organizations dedicated to defending and advancing the rights of California tenants to safe, decent and affordable housing. As California's only statewide renters' rights organization, Tenants Together works to improve the lives of California's tenants through education, organizing and advocacy. Tenants Together seeks to support and strengthen the statewide movement for renters' rights.



TENANTS TOGETHER
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for Renters' Rights
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