



EBASE

East Bay Alliance for a Sustainable Economy

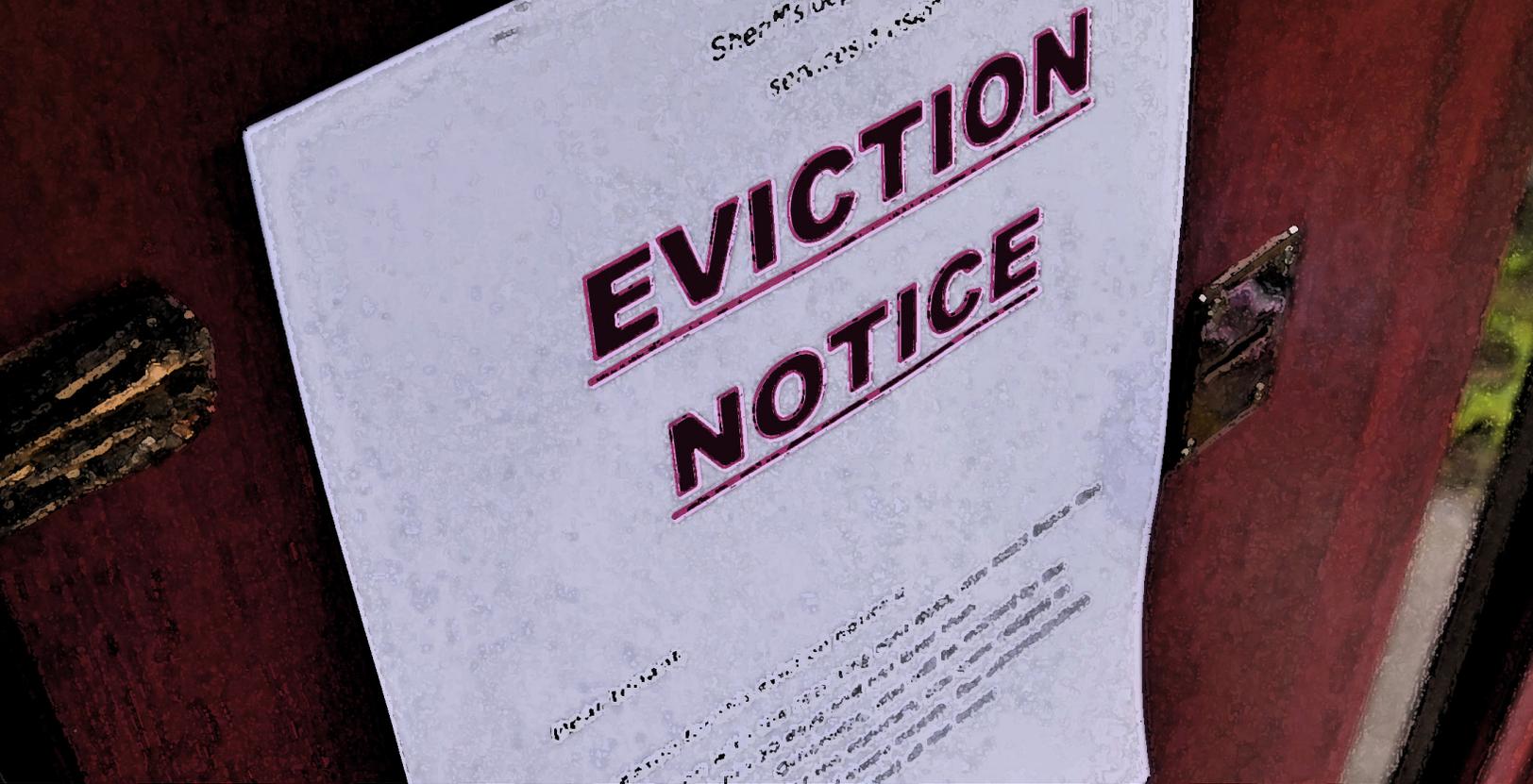


UNREPRESENTED

A Report on Eviction Court Watch in Contra Costa County

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CONTEXT

THE ONSET OF THE COVID-19 PANDEMIC, which prevented millions of low-income workers from earning a living, created a protracted financial crisis among renters across California and the U.S. The threat of an ensuing eviction crisis became a recurring topic of media coverage and policy debate. While the devastating impacts of eviction on individual health, family economic security, and neighborhood stability were well documented,¹ the eviction process itself—which involves several complex and deeply consequential steps—was not well understood outside of legal circles. It is estimated that for every legal eviction, two to five evictions occur outside of the courts when landlords use extra-legal means, such as verbal threats and housing service disruptions, to push tenants to “self-evict.”² These informal evictions are conducted out of the public eye and, as such, are hard to quantify. However, the pandemic revealed that even *legal evictions*—the multi-step process of serving, hearing, and enforcing what is known in California as an unlawful detainer, or UD, case—are conducted with little to no oversight or reporting, thus making them a mystery to all but a few. While technically open to the public, eviction court is, in reality, irregular and obscure. Legal procedures and public services vary widely from county to county, and even courthouse to courthouse. Therefore, while the pandemic introduced a range of laws and regulations to stave off a wave of evictions,

1 American Civil Liberties Union. 2022. [No Eviction without Representation: Evictions’ Disproportionate Harms and the Promise of Right to Counsel](#).
2 Sabiha Zainulbhai and Nora Daly. January 20, 2022. [“Informal Evictions: Measuring Eviction Outside the Courtroom.”](#) *New America*.

it also revealed that most residents and policymakers—let alone low-income tenants, whose lives and livelihoods are on the line—do not understand how eviction court actually works.

So, in May 2022, a number of organizations that have worked to preserve stable and affordable housing for low-income residents of Contra Costa County throughout the pandemic launched an Eviction Court Watch program.³ At the time, there was a debate within the Contra Costa Board of Supervisors about the impact of the end of the state's emergency tenant protections on local eviction trends and the adequacy of publicly funded eviction prevention services. But County staff reported that the Contra Costa Superior Court would not provide monthly data on eviction filings and outcomes. In response, these community organizations trained participants to attend UD cases at the County's three courthouses to collect this information from the ground up.

³ These organizations included East Bay Alliance for a Sustainable Economy (EBASE), East Bay Housing Organizations (EBHO), Faith Alliance for a Moral Economy (FAME), and Monument Impact.

EVICTION COURT WATCH METHODOLOGY

EVICTION COURT WATCH PARTICIPANTS received training from a housing attorney at the Alliance of Californians for Community Empowerment (ACCE) Institute on the statutory eviction process and normal court procedure so that they could assess the extent to which UD trials in Contra Costa County upheld tenants' rights. Between May and mid-October 2022, the participants attended court proceedings at the Richmond, Martinez, and Pittsburg Courthouses for a total of 31 days. While the participants did not have the capacity to monitor multiple courthouses at once, they were able to attend almost every UD trial that occurred while the program rotated through a particular location. After each trial, they filled out a standard questionnaire to capture as much data about the case as could be determined through public observation, including the identities of the parties, legal representation (if any), alleged cause of eviction, case resolution, and more.

The Contra Costa Superior Court steers as many UD cases as possible to mediation, a process that is closed to the public. As a result, Eviction Court Watch participants were not able to gather data on many of the UD cases that were called during the program period. Indeed, the tendency to steer the parties to mediation undermines the goal of increasing transparency in a part of the civil legal system that is already conducted out of the public eye. Despite their efforts to address the lack of data on evictions by monitoring proceedings in person, Eviction Court Watch participants were unable to observe UD trials on 11 out of the 31 days that they showed up in court because all of the cases were sent to mediation. Still, participants managed to collect data on 56 UD trials that occurred in a public courtroom over the course of the program period. And when tenants consented, participants accompanied defendants to file documents or receive services. In one case, participants were able to attend a private mediation session at the request of the tenant; in other cases, they conducted follow-up interviews with tenants in order to better understand what happens in mediation behind closed doors.



The tendency to steer tenants and landlords to mediation undermines the goal of increasing transparency in a part of the civil legal system that is already conducted out of the public eye.



EXECUTIVE SUMMARY

BASED ON THE OBSERVATION OF 56 UD TRIALS and follow-up engagement with tenants, this report describes demographic trends in eviction and legal services in Contra Costa County from May to mid-October 2022—the period during which the last state eviction protections came to an end. It also lays out three key findings about the challenges faced by low-income and unrepresented tenants in accessing court-based assistance and, ultimately, justice. These points are illustrated by stories documented by the Eviction Court Watch participants who observed them. The report concludes with four recommendations to reverse Contra Costa County's accelerating increase in homelessness by making eviction court more balanced, transparent, and just.

- ⊙ Among the cases observed by Eviction Court Watch participants in Contra Costa County from May to mid-October 2022, only 7% of tenants were represented by an attorney in eviction court, while 86% of landlords were represented by an attorney. Black people and women were severely overrepresented among tenants facing eviction. 50% of landlords were corporations or shell companies.
- ⊙ Due to these disparities in legal representation and due process, tenants did not know how to prepare for court and mount a defense. As a result, tenants lost cases that they might otherwise have won if they had access to high-quality and timely legal services.
- ⊙ Contra Costa County invested in limited court-based services to mitigate displacement after the eviction moratorium ended. However, by failing to fund tenant legal services, the County created a mismatch between the aid that tenants needed and the assistance that was available. This mismatch *deepened* housing instability when in-court services were meant to *stop* it.

CHAOS AND CONFUSION IN COURT

My Experience as an Eviction Court Watch Participant

by Betty Gabaldon, Tenant Organizer, EBASE

In May, I started attending UD cases at the Richmond Courthouse with other Eviction Court Watch participants. The process was confusing and intimidating. When we arrived, we didn't know where the UD cases were being heard. We found the docket that listed the cases for that day, but it didn't include the names of the parties. When we finally found the courtroom, it was hard to understand what was going on. Some cases were continued from before. Others were brand new. In most cases, no one stated clearly, in plain language, why the tenant was being evicted. The entire proceeding was conducted in complicated legal terms. We had to ask the attorney who trained us to come to court and help us make sense of the process. The tenants, who almost never had a lawyer, weren't so lucky.

After a few weeks, we moved on to the Martinez Courthouse. While Richmond was confusing, Martinez was hostile. At first, the Bailiff didn't allow us to enter the courtroom, even though it's supposed to be open to the public. We were only let in after the ACCE Institute raised the issue with the County's Presiding Judge. But our access to the courtroom only mattered when

cases actually went to trial. I was shocked to learn that, in Martinez, most of the action took place in the hallway or behind closed doors. It was chaotic. Landlord attorneys shuttled back and forth between benches, conferring with their clients and cornering tenants. Without attorneys of their own, the tenants seemed lost. Everyone pressured them to go to mediation. But since it's held in private, most tenants didn't know what mediation was. It didn't help that, after mediation, the Commissioner signed off on the settlement in her chambers, rather than reviewing the terms in the courtroom to make sure that the parties understood the legal document they were signing.

I went to court, like most people, expecting to find *Judge Judy*. But Contra Costa's eviction court was nothing like that. Tenants arrived alone and anxious, facing the possibility of homelessness. This was their chance to keep their homes, their so-called "day in court." Sadly, without any real support, it was nothing but chaos and confusion—a situation that clearly benefited landlords and their attorneys. ■

- ⊙ The Contra Costa Superior Court pressured tenants to participate in tenant/landlord mediation without providing legal services. While it is often seen as a "neutral" service, without equal access to legal representation, mediation maintained the existing power imbalance between tenants and landlords.
- ⊙ To correct these problems and effectively combat homelessness, Contra Costa County should (a) create a tenant right to counsel, (b) provide rental assistance that can quickly cover back-owed rent to stop or mitigate evictions, (c) pass local tenant protections to address the gaps in state law, and (d) make eviction court data a regular, recurring, and transparent part of the policymaking process.

EVICTED BY THE NUMBERS

Between March and July 2022, when most pandemic-related eviction protections ended, UD filings in Contra Costa County increased from **160** to **360** per month. **Contra Costa has the highest rate of eviction filings of any county in the Bay Area.**⁴

Among the cases observed by Eviction Court Watch participants from May to mid-October 2022:

86% of landlords were represented by an attorney, while only 7% of tenants were represented by an attorney. Nationally, landlords are 27 times more likely than tenants to be represented by an attorney in eviction court, with 82% of landlords receiving representation as opposed to just 3% of tenants.⁵

57% of tenants were women.⁶ Nationally, having children in the home—a responsibility that falls overwhelmingly to women—is the single strongest predictor of eviction.⁷ In California, women are more likely than men to rent their homes and earn extremely low incomes, and thus to experience the rent burdens that lead to evictions.⁸

41% of tenants were Black, even though only 16% of the renter households in Contra Costa County are headed by Black residents.⁹ Black residents were thus severely overrepresented among those facing eviction. Nationally, Black households, and especially Black women, are disproportionately targeted for eviction.¹⁰

50% of landlords were corporations or shell companies rather than individuals. Nationally, an estimated 26% of rental properties are now owned by corporations, up from 18% in 2001.¹¹ For-profit corporate entities own an estimated 45% of the nation's rental units.¹²

4 Ethan Varian. October 20, 2022. "[Bay Area Sees 'Eviction Tsunami' as Pandemic Renter Protections End](#)." *San Jose Mercury News*.

5 American Civil Liberties Union, 2022, p. 2.

6 This excludes cases in which multiple tenants, including women, were present. It is limited to cases in which women were the sole defendants in court.

7 Matthew Desmond et al. 2013. "[Evicting Children](#)." *Social Forces*, 92(1), pp. 303-27.

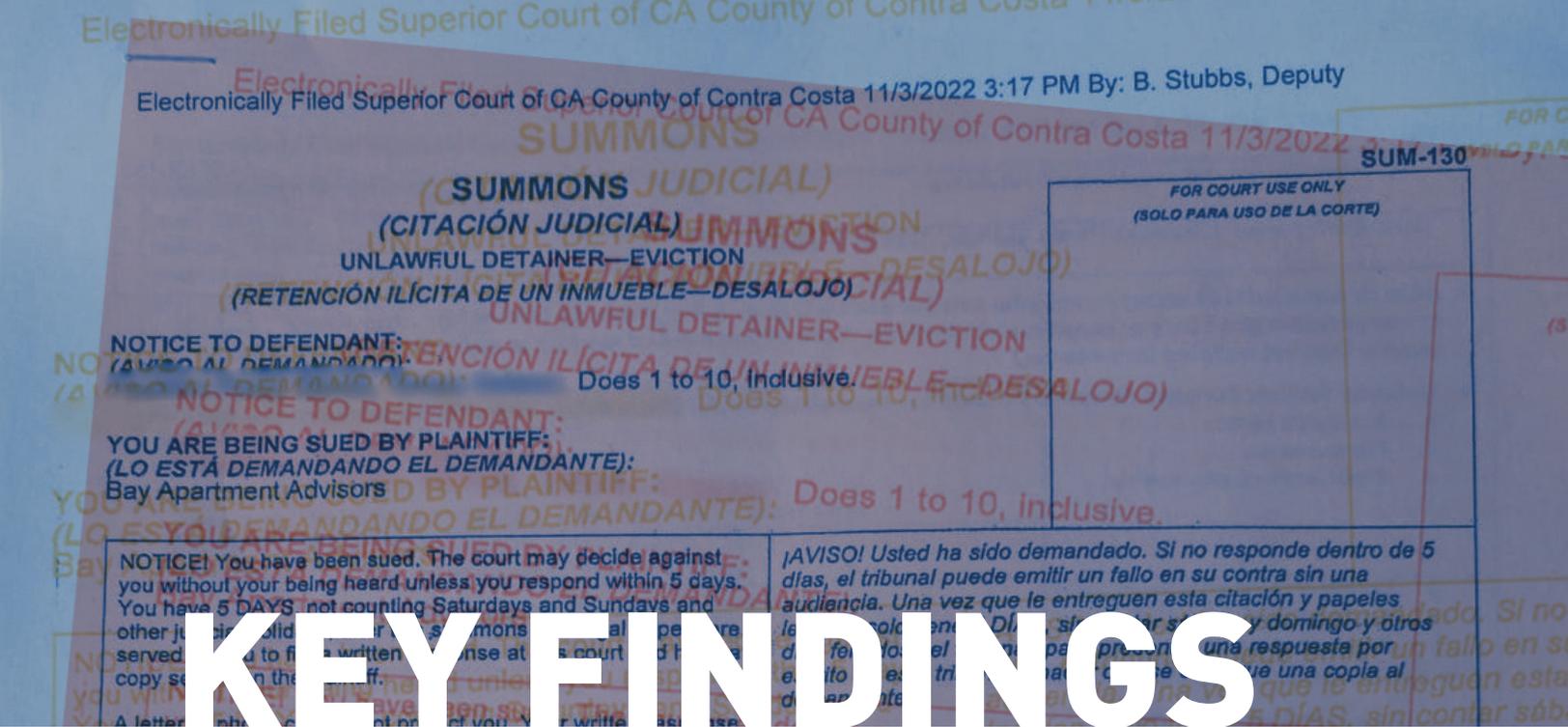
8 Gender Equity Policy Institute. 2022. "[Gender & Housing in California: An Analysis of the Gender Impacts of California's Housing Affordability Crisis](#)." p. 2.

9 Data on renter households by the race of the householder are based upon the 2021 1-Year Estimates from the American Communities Survey. Latinx renters were among those most negatively impacted by the COVID-19 pandemic in terms of illness, economic disruption, and eviction risk. However, they were underrepresented in formal eviction proceedings in Contra Costa County. This is likely due to a range of causes. In some cases, rather than go to court, undocumented tenants "self-evict" once they receive an eviction notice or verbal threat from their landlord. In others, tenants who speak limited English do not know what to do when they receive a summons and complaint in the mail. Failing to submit an answer, they are evicted through a default judgment. In other words, underrepresentation in eviction court does not prove that Latinx tenants experience greater housing stability; to the contrary, it indicates that they benefit from even fewer procedural rights and opportunities to avoid displacement than other tenants.

10 Peter Hepburn et al. 2020. "[U.S. Eviction Filing Patterns in 2020](#)." *Socius*, 7.

11 Joint Center for Housing Studies of Harvard University. 2022. "[America's Rental Housing 2022](#)." p. 2.

12 Drew Desilver. August 2, 2021. "[As National Eviction Ban Expires, a Look at Who Rents and Who Owns in the U.S.](#)" *Pew Research Center*.



FINDING #1: THERE WERE NOT ENOUGH LEGAL SERVICES FOR TENANTS.

Almost nine times out of ten, tenants had to navigate the complicated eviction process alone while their landlords had an attorney. This lack of due process put tenants at a severe disadvantage. Without timely and accurate information about how to prepare for court and mount a defense, tenants lost cases they might otherwise have won.

- ⊙ There were no legal services available in the courts to help tenants answer a summons and complaint, attend mediation, or provide full-scope representation.
- ⊙ In several cases, Commissioners¹³ issued default judgments against tenants because their co-defendants (i.e. fellow tenants) were not present. Without an attorney, tenants who were in court and could have brought a claim of right to possession did not know how to defend their case.
- ⊙ Unrepresented tenants often did not know that their case would be heard the day it was called, so they arrived in court without evidence to support their defense. As a result, tenants who alleged serious problems with their landlords—including refusal to accept rent or rental assistance, make repairs, or turn on utilities, all of which might have constituted a valid defense—were evicted.

Without an attorney, tenants who alleged serious problems with their landlords—which might have constituted a valid defense—were evicted.

¹³ The Contra Costa Superior Court tends to staff UD trials with Commissioners rather than Judges. While Judges are elected by the voters or appointed by the Governor, Commissioners are hired by the Court to reduce Judges' workload by processing cases that are seen as less complex or important, such as traffic violations, small claims, misdemeanors, and UDs. While this arrangement is common in other Bay Area counties (e.g. Alameda and Santa Clara), it is not universal. In San Francisco County, Judges hear UD cases.

"On the surface, most of the cases that I observed during Eviction Court Watch were for 'non-payment of rent.' But time and again, the idea that the tenant simply didn't pay their rent covered up much more complex dynamics between tenants and landlords. In some cases, landlords seemed to have acted in ways that led to missed payments in the first place. Since tenants didn't have lawyers, these stories became over-simplified, legally and morally, in ways that forced families from their homes."

Rev. Millie Phillips, Faith Alliance for a Moral Economy (FAME)

*In **MARTINEZ**, a long-term resident of a mobile home park who was facing eviction for non-payment of rent stated that she was waiting on COVID-19 rental assistance. When the Commissioner asked her for evidence, the tenant—who was elderly and chronically ill—presented the notes she had taken by hand during all of her calls with case managers from the state's rent relief program. The tenant, who was in her 80s, did not know how to use the Internet; her notes were her only record. The Commissioner refused to accept the notes as proof, but she granted a continuance to give the tenant more time to collect permissible evidence. On the second trial date, the tenant brought the needed proof. So, the landlord's attorney argued that the tenant had failed to pay rent that was not covered by state protections. The tenant explained that she had tried to do so, and had documented her attempts on video, but the property manager had refused to accept payment. When asked, however, the tenant said that she did not have the video with her at court. Without the aid of an attorney, she was not adequately prepared to mount what might have been valid defenses, leaving her at risk of eviction.¹⁴*

*In **PITTSBURG**, a landlord accused tenants of missing rent payments for two months. The tenant who was in court, who was White, explained that they had withheld their rent because their water had been cut off for 44 days. He acknowledged that they were required to pay for water, but explained that the landlord had refused to transfer the water account for this single-family rental into their names. For this reason, they were unable to pay their water bill and their water was shut off. In response, they decided to withhold the rent. The Commissioner ruled in favor of the landlord. With an attorney, the tenants might have been able to fight the eviction on the grounds that refusing utilities is a form of illegal harassment, or at least negotiate an outcome that would have preserved their housing stability.*

¹⁴ In this case, the Commissioner stated that she would mail her decision, rather than revealing it in court. As a result, the outcome is unknown. Given the troubling elements of the case, this unusual move may have been intended to avoid the scrutiny of Eviction Court Watch participants.

FINDING #2: THE COUNTY INVESTED IN LIMITED COURT-BASED SERVICES TO MITIGATE DISPLACEMENT AFTER THE EVICTION MORATORIUM ENDED, BUT NOT SERVICES THAT ACTUALLY PREVENTED EVICTION OR HOMELESSNESS.

In all of the observed cases, the County's main contractor, SHELTER, Inc., did not provide tenants the assistance they needed in the moments they needed it. This mismatch *deepened* housing instability when in-court services were meant to *stop* it. While SHELTER, Inc. plays a critical role in addressing homelessness in Contra Costa, the County must also invest in organizations and strategies that are proven to prevent evictions in the first place.

- ⊙ In-court representatives from SHELTER, Inc., who were not attorneys, could not assist tenants with an answer to a summons and complaint because they were not allowed to provide information that might be seen as legal advice. Instead, they provided tenants with a sample form. Tenants only have five court days to file an answer. If they miss this deadline, they are often automatically evicted, even if they have a legitimate defense.
- ⊙ When tenants asked for legal assistance, SHELTER, Inc. only offered referrals.¹⁵ These referrals were to a general housing service provider, rather than a qualified legal service provider. This "referral-to-a-referral," in the words of one tenant, was too little, too late. Once tenants had received the summons and complaint, or were in court for their trial, they needed immediate legal assistance to have a chance to remain housed.
- ⊙ SHELTER, Inc. was meant to connect tenants to financial resources to prevent them from becoming unhoused. But in all of the observed cases, SHELTER, Inc. told tenants to apply online on their own time, rather than assist tenants through the process on the spot. Given that online rental assistance applications have served as a steep barrier to renters who are elderly, low-income, and/or immigrants,¹⁶ this lack of in-person support made it more difficult for eligible tenants to receive emergency resources. It also slowed the process down at a moment in which tenants were running out of time and options to avoid homelessness.
- ⊙ Follow-up engagement revealed that tenants with evictions pending often fell through the cracks of accessing emergency financial support. While SHELTER, Inc. could offer rental assistance to tenants who knew in advance that they needed to miss a rent payment, or needed help moving to a new unit,¹⁷ SHELTER, Inc. would not pay the back-owed rent for tenants with an eviction pending—i.e. the tenants who were actually in court.¹⁸

This “referral-to-a-referral” was too little, too late. Tenants needed immediate legal assistance to have a chance to remain housed.

¹⁵ In some observed cases, SHELTER, Inc. provided tenants with a handout that included the name and number of a housing service organization. In other cases, SHELTER, Inc. only provided verbal referrals, not a handout.

¹⁶ Manuela Tobias. October 13, 2021. "[Are Immigrants Getting Left Out of California's Rent Relief?](#)" *CalMatters*.

¹⁷ While, in theory, move-in costs could help a tenant facing eviction avoid homelessness, SHELTER, Inc. is only able to assist with move-in costs if the tenant has been approved for a new apartment. In practice, this makes it difficult for tenants facing eviction to receive move-in assistance, since the lack of money for first-month's rent and/or a security deposit is part of what prevents them from renting a new unit in the first place.

¹⁸ Since 2020, SHELTER, Inc. has been able to pay COVID-related rental debt using CARES Act money allocated by Contra Costa County and several cities. Increasingly, however, tenants are unable to make rent for reasons independent of the pandemic, leaving many tenants at risk of eviction with nowhere to turn. After receiving feedback on this issue, SHELTER, Inc. eventually started offering rental assistance to tenants who were facing eviction. But this did not occur during most of the Eviction Court Watch program period.

When provided in tandem with legal services, rental assistance that covers back-owed rent can be used to ensure that tenants have more time to move out and leave a tenancy without being indebted to their former landlord. These conditions are needed to help displaced tenants transition to new housing and avoid homelessness.

*A tenant, an African immigrant, showed up at the **MARTINEZ** Courthouse on the verge of tears. She had received a summons and complaint and only had a few hours left to file an answer before being subject to a default judgment. The Bailiff sent her to a separate building, the law library, where SHELTER, Inc. was supposed to be able to assist her. But when she got to the library, the staff from SHELTER, Inc. said they did not provide answer forms. So the tenant returned to the first building to get the forms from the clerk. She pulled a number and waited in line only to find that the clerk did not provide answer forms either. It turned out the tenant was supposed to print the forms in the library after all. Based on the incorrect information from the person who was supposed to help her, the tenant lost precious time walking back and forth. When she returned to the library, where she found a stack of answer forms, the tenant once again asked the staff from SHELTER, Inc. for assistance. But they told her that they could not provide legal advice. Instead, they handed her a template answer form that simply highlighted the sections she needed to fill out: name, address, case number, etc. Ultimately, the tenant had to guess about how to respond to the more legally consequential questions that make up the bulk of the five-page form. She returned to the clerk, pulled a number, and got back in line. She managed to file her answer right before the 3pm deadline. Otherwise, she could have been automatically evicted, regardless of the merits of her case.*

*The Bailiff at the **PITTSBURG** Courthouse sent a tenant, an African American man, out to the hall to talk to a mediator about his eviction case. Without any additional assistance, the tenant went looking for a mediator but was unable to find one. In the meantime, his case was called. Since he was not present, the trial resulted in a default judgment in favor of the landlord. The tenant returned right afterwards to learn, with dismay, that he and his mother would lose their home. The Commissioner agreed to restart the trial. Noting that his mother could not attend because she was in the hospital, the tenant requested a continuance. The landlord's attorney objected because her client had plans to travel in Europe. The Commissioner granted the continuance, while still accommodating the landlord's travel. When the case was called again at a later date, it resulted in yet another default judgment for eviction because the tenants—the mother, who was elderly and walked with a cane, was now present—were 20 minutes late because they had car trouble and were forced to take the bus. This time, the Commissioner refused to retry the case. The tenants were left without any recourse or support. With the aid of an Eviction Court Watch participant, they went to see if SHELTER, Inc. could help them. Rather than offer financial resources or emergency shelter, the staff referred the tenants to ECHO Housing, which could not help the tenants at this point in the process as they had already lost their case. Stating that she had nowhere to go, the mother worried that she and her son would become homeless.*

18% of tenants observed during Eviction Court Watch were seniors. Older renters faced multiple obstacles to accessing support and justice, including difficulties using technology, limited mobility, and illnesses and/or disabilities that prevented them from attending trial. For low-income seniors and people on fixed incomes, eviction can often lead to homelessness. **In Contra Costa County, an estimated 33% of unhoused people are over 55.**¹⁹

¹⁹ Contra Costa County Health, Housing, and Homeless Services Division. 2020. [Contra Costa County: Annual Point in Time Count Report](#), p. 15.

FINDING #3: THE COURT PRESSURED TENANTS TO PARTICIPATE IN MEDIATION WITHOUT PROVIDING LEGAL SERVICES.

This put control over settlements in the hands of mediators and landlord attorneys, who either did not fully understand tenants' rights or actively fought for outcomes that were favorable to landlords. **While it is often seen as a "neutral" service, without equal access to representation, mediation maintained the existing power imbalance between tenants and landlords.**

- ⊙ Tenants were repeatedly urged to attend mediation by Commissioners, Bailiffs, landlord attorneys, and mediators themselves. One tenant was pressured to participate in mediation by four different individuals.
- ⊙ Mediators were not permitted to provide information on tenants' rights or legal advice. In practice, they ended up repeating information from landlord attorneys, who were seeking to defeat tenants.
- ⊙ Mediators did not always seek to ensure that negotiated settlements included a provision to "mask" the eviction. Masking, or erasing the record of an eviction, is considered a best practice because it gives the tenant a chance to secure new rental housing and avoid homelessness after being forced to leave their home.
- ⊙ Without fair and adequate representation, mediation pushed tenants to settle in a way that prevented them from asserting their full legal rights and defenses. Mediation was not an adequate substitute for legal services.

Without fair and adequate representation, mediation pushed tenants to settle in a way that prevented them from asserting their full legal rights and defenses.

*In **MARTINEZ**, a Latina tenant was urged to participate in mediation and agreed. The mediator started by speaking with the landlord and her attorney. The mediator then spoke with the tenant, who stated that her unit was uninhabitable. The mediator responded that the landlord said she had attempted to fix the problems, so it was word-against-word, leaving the tenant without a strong case. The tenant then told the mediator that she had applied for rental assistance but the landlord had refused to accept it. The mediator responded that the landlord had a right to do so—in fact, this is source of income discrimination under California law—and suggested that maybe the landlord did not want to accept “charity.” The mediator thus only presented the*

tenant, who did not have an attorney, with one option: either agree on the spot to a 12-month repayment plan or else vacate the unit. Right before signing the agreement, the tenant asked whether the eviction would be masked if she completed the repayment plan. The mediator had failed to mention this or include it in the agreement on her own. In the end, a masking provision was included, but only because the tenant thought to advocate for one.





RECOMMENDATIONS

CONTRA COSTA COUNTY'S EVICTION COURTS—in particular, Pittsburg and Martinez²⁰—represent an overwhelming, intimidating, and unjust place for tenants. There are few legal protections for tenants. There is a mismatch between the services available to tenants and the services they need. And there are not enough legal services, due to a lack of County investment, to level the playing field between tenants and their landlords. As a result, low-income households are falling through the cracks, fueling Contra Costa's worst-in-the-region rise in homelessness.²¹ Based upon the observations and data collected through the Eviction Court Watch program, we recommend that Contra Costa County enact the following urgent and proven solutions:

- ③ Create a tenant right to counsel so that no low-income tenant is forced to face the eviction process alone. In San Francisco, which has a right to counsel, studies have found that 63% of tenants who received legal representation were able to stay in their homes, while an additional 35% received more time or resources to help them transition into new housing.²² Across California, legal representation has been found to increase the chance of securing new rental housing after eviction by 65%.²³ Tenants with an attorney are thus four times less likely to end up in a homeless shelter.²⁴ While Contra Costa County may not be ready to implement a full right to counsel at this time, elected officials should pave the path by providing ongoing and robust funding to tenant legal service providers.

20 The Eviction Court Watch program started at the Richmond Courthouse in May 2022. However, after a few weeks of observation, participants moved to Martinez and then Pittsburg because of the relatively low number of eviction cases in Richmond. When asked about this geographic disparity by the Supervisors at a meeting on August 16th, 2022, Deborah Levy, Executive Director of Congress of Neutrals, explained it in terms of (1) the existence of a local eviction moratorium that was longer and was more comprehensive than the state moratorium, (2) tenant protections that preceded the pandemic, and (3) the presence of Eviction Defense Center, a tenant legal aid provider that is funded by the City of Richmond to represent low-income tenants. "[W]e think that there are a lot less cases being heard because...of the protections in Richmond and the rent control laws that are effective there, as well," reported Ms. Levy. See [Meeting of the Contra Costa Board of Supervisors](#), August 16, 2022, Item #D1.

21 Between 2019 and 2022, the number of people experiencing homelessness in Contra Costa County grew by 35%—more than any other county in the Bay Area. See Lauren Hepler and Sarah Ravani. May 16, 2021. "[Homelessness Surged 35% in One Bay Area County](#)." *San Francisco Chronicle*.

22 John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014. [San Francisco Right to Civil Counsel Pilot Program Documentation Report](#), p. 14.

23 American Civil Liberties Union, 2022, p. 9.

24 Heidi Schulteis and Caitlin Rooney. October 2, 2019. "[A Right to Counsel Is a Right to a Fighting Chance: The Importance of Legal Representation in Eviction Proceedings](#)." *American Progress*.

- ⊙ Invest in a rental assistance program and provider that can quickly cover back-owed rent to either stop the eviction process or ensure that the tenant has the time and resources needed to find a new home.²⁵ Combining rental assistance with legal aid is a proven strategy for preventing displacement and homelessness. The state's Housing Is Key program is over, but the crisis for renters is not. Contra Costa County should join the national movement to make emergency rental assistance a permanent means of community stabilization and eviction reform.²⁶
- ⊙ Pass local tenant protection policies, including rent stabilization and just cause eviction protections, that are stronger than state law (AB 1482). Throughout the pandemic, the eviction rate in Contra Costa has consistently topped that of other Bay Area counties.²⁷ This is because Contra Costa, on the whole, has fewer legal protections for tenants than other areas with similarly large numbers of low-income renters, such as Alameda and San Francisco Counties. Increasing tenant legal services is essential, but an attorney can only advocate for a tenant within what the law allows. Thus, it is also important to expand legal protections to stop preventable evictions.
- ⊙ Make eviction court data a regular, recurring, and transparent part of the policymaking process. Given the persistent affordable housing and homelessness crises, which disproportionately harm women, men, and children of color, the residents and leaders of Contra Costa County have a clear and urgent interest in understanding the causes and outcomes of evictions. In but one example, this report documents the concerning role of corporate landlords in evicting low-income and vulnerable tenants. It should not take the intensive research of community organizations to identify these trends. The County and the Court should thus work together to make these data available to policymakers and members of the public on an ongoing and timely basis.

At the Board of Supervisors meeting on August 16th, 2022, Assistant County Administrator Tim Ewell reported that there was a backlog of 800 UD filings at the Pittsburg Courthouse. When asked about the reason for the outsized impact of evictions in East County, Mr. Ewell said that corporate owners and property managers were filing for eviction in large batches, including one property management firm that filed over 100 UDs at the same time. Deborah Levy, Executive Director of Congress of Neutrals, which runs UD mediation for the County, reported: “[I]t is mostly management companies of big apartment complexes that are filing these...[W]e are seeing a lot of eviction filings from big corporations that are running rental units.”²⁸

²⁸ See [Meeting of the Contra Costa Board of Supervisors](#), August 16, 2022, Item #D1.

²⁵ During the Eviction Court Watch period, service providers who worked with tenants at risk of eviction reported that it took anywhere from 3-7 weeks for SHELTER, Inc. to process tenants' applications for rental assistance. In practice, actually receiving rental assistance often required repeated follow-up with SHELTER, Inc. by organizers or attorneys who were supporting tenants. As a result, tenants who were in severe need of assistance often did not receive financial support during a window of time in which it could have either preserved their housing or prevented homelessness.

²⁶ The Biden White House has endorsed ongoing rental assistance as a means of creating long lasting eviction reform. See Biden Administration, August 2, 2022. [Fact Sheet: White House Summit on Building Lasting Eviction Prevention Reform](#).

²⁷ Lauren Hepler, February 10, 2022. [“COVID Eviction Battles Have Moved to the Bay Area Suburbs.”](#) *San Francisco Chronicle*.

CODA

One last story exemplifies the difference that adequate legal representation makes in helping tenants navigate the eviction and, if necessary, relocation process. As this story shows, legal services are often the key to making other legal procedures and public services work in a way that preserves household and community stability and prevents homelessness.

*Mr. Fairbanks, an older Black man, received a UD after losing his job and missing two months' rent. He had applied for rental assistance from Catholic Charities in order to cover the debt, but he was denied because the landlord refused to fill out a W-9 form. Mr. Fairbanks had also applied for unemployment, but by the time that he was approved, the landlord refused to accept his rent payment. The landlord then filed a UD and demanded that Mr. Fairbanks pay the landlord's attorney fees. Upon hearing that he could get help at the **PITTSBURG Courthouse**, Mr. Fairbanks went to seek assistance from SHELTER, Inc., but there was no one there that day. He called a tenants' rights hotline, which connected him to an attorney from Centro Legal de la Raza. Centro Legal helped him file his legal answer on time and then, by representing him in mediation, got*

his landlord to give him three extra months to move out. Mr. Fairbanks was able to use this extra time to apply for other services to help him secure a new place to live, including financial assistance from SHELTER, Inc. Initially, he had trouble completing the online application on his own, reporting that he was unable to advance through the form. He tried to contact SHELTER, Inc. to address the problem, but no one returned his call. With the help of his attorney, however, he was able to get in touch with SHELTER, Inc. and submit his application. With no eviction on his record, thanks to the advocacy of his attorney, and an application for financial assistance, Mr. Fairbanks will now have a reasonable chance to find a new home without ending up in a shelter or on the street.

Author

Alex Werth is the Policy and Research Advisor for EBASE. Since 2020, he has worked with the Raise the Roof Coalition to protect low-income renters in Contra Costa County from eviction and homelessness by expanding tenants' rights and improving eviction prevention services. He is the former Policy Manager for East Bay Housing Organizations and Research Analyst for the City of Oakland's Cultural Affairs Division, where he contributed to the Oakland Cultural Plan. He received his PhD in Geography from UC Berkeley in 2019.

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