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A Review of the Unlawful Detainer Pilot Program

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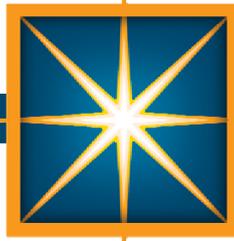
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October 2016

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Executive Summary

State legislation allowing city attorneys in a pilot program to evict tenants for drug- and weapon-related nuisances began almost two decades ago in California. Today, participating cities report using the program as intended to engage landlords who they say might otherwise be unable or unwilling to ameliorate drug- and weapon-related nuisance on rental properties they operate. Sacramento, which is the subject of a case study in this report, also notes that it uses the program to combat drug dealing and eliminate gang activity.

The four cities currently eligible to participate in the program—Long Beach, Los Angeles, Oakland and Sacramento—used it significantly less often than in the past (235 times in 2011 compared to 64 times in 2015). However, the cities said they continue to see value in the program, and they also argue that one of the reasons it is being used less is because it as an option of last resort after more intermediate approaches have failed.

To evict a tenant, generally a landlord must file an unlawful detainer lawsuit. Eviction under the pilot program is different because a city attorney or city prosecutor may file, or request a landlord to file, an unlawful detainer action against a tenant. In addition, the eviction may be partial, i.e. limited to only some tenants. However, these city attorney-sponsored evictions are limited to actions that “create a nuisance on the property by using or allowing the premises to be used” for unlawful firearms or drug activity. To initiate an eviction action, the city attorney first must provide the property owner and tenant with a written notice of intent to evict, which acts like a warning letter, describing the suspected violation and arrest information triggering the likely eviction. In 2015 city attorneys sent 64 letters.

- In 10 cases, tenants vacated prior to receiving the warning letter.

- In 16 cases they vacated after receiving the letter.

After the city attorney sends a warning letter, that office or the landlord next sends a notice to quit, which requires the tenant(s) to vacate within a certain period of time.

- City attorneys or landlords sent notices to quit in 24 instances.

If tenants do not vacate by the end of the notice period, the city attorney or landlord may choose to file an unlawful detainer (eviction) action.

- City attorneys filed four actions and landlords filed eight, for a total of 12.

Eight cases have been adjudicated. One case was dismissed because neither tenant nor landlord appeared for trial. The tenant did not prevail in any of the other seven cases. In nine cases the tenant vacated but not as a direct result of the pilot program. At the end of 2015, seven cases were still pending.

In some instances, more than one tenant was included in the eviction, for a total of 74 tenants. Data reported by the cities show that 56.8 percent of tenants have been previously arrested for offenses similar to those for which they received a warning notice. About a third of tenants identified as Hispanic, nearly 30 percent as black, 17.6 percent as white and eight percent as Asian/Other.

This report also offers several policy options for consideration, including determining whether the merits of the program justify expansion, assessing the impact of local ordinances that allow local authorities to evict nuisance tenants, and examining the limited use of partial evictions, which was originally noted as an important program benefit.

Pilot Program Background

In 1997, the City of Los Angeles sponsored legislation (Havice, Ch. 613, Statutes of 1998) to allow city attorneys or district attorneys to evict tenants engaged in drug-related activity, arguing that landlords often did not “in large part due to a fear of retaliation.”¹ This bill changed the law in two ways. It allowed an entity other than the landlord to initiate an eviction action and it enabled a court to issue a partial eviction of tenants. By enabling partial evictions, the state provided the court with a tool to target only the tenant(s) engaged in unlawful drug activities and not an entire household. The resulting pilot program allowed five Los Angeles County court districts to participate.

Through a series of six bills authored between 2001 and 2014, the state modified the evidence required to initiate an eviction, the number of days required for notice, which cities could participate and the metrics the cities were required to report. The state also expanded the program to allow eviction for illegal weapons and ammunition arrests.² Language describing documentation of violation has changed from “sufficient documentation” to “observation of a police officer” and now “arrest report” or other regulatory or law enforcement report. As was typical for a pilot program affecting the judicial branch, the original legislation for this program required the Judicial Council to evaluate the program.³ In 2009, changes to the law moved program evaluation responsibility from the Judicial Council to the California Research Bureau.⁴ (For more detail, see Appendix B, California Unlawful Detainer Pilot Program Timeline.)

Program Reporting

Today, four cities are part of the pilot program: Long Beach, Los Angeles, Oakland and Sacramento.⁵ Only Oakland and Sacramento must report use of the drug-related eviction program,⁶ and all four cities must report use of

the weapon-related program.⁷ All cities were required to submit their data for program use in 2015 to the California Research Bureau by January 20, 2016. Long Beach also reported its use of drug-related evictions, though it is not required to do so.⁸

For this report, the Research Bureau also requested police department dispatch records from all four cities in order to compare the level of nuisance calls to a neighborhood before and after a city attorney initiated use of the program.^{9,10} Both Sacramento and Los Angeles provided complete dispatch record data. Oakland submitted partial data and Long Beach was unable to provide data in the time requested.

How Do Evictions Work Under The Pilot Program?

To evict a tenant, generally a landlord must file an unlawful detainer lawsuit. Eviction under the pilot program is different because a city attorney or city prosecutor may file, or request a landlord to file, an unlawful detainer action against a tenant. However, these city attorney-sponsored evictions are limited to actions that “create a nuisance on the property by using or allowing the premises to be used” for unlawful firearms or drug activity.¹¹ To initiate an eviction action, the city attorney first must provide the property owner and tenant with a written notice of intent to evict, which acts like a warning letter, describing the suspected violation and arrest information triggering the likely eviction.

The warning letter informs the tenant that an eviction is likely because of his or her arrest for drug or weapons violations. The letter provides the tenant with the following list of reasons that may stop the eviction:

1. The person receiving the warning is not the person named in the letter.
2. The person named in the letter does not live at the address.

3. The person named in the letter has permanently moved.
4. The person receiving the warning does not know the person named in the letter.
5. The person receiving the warning wants to request that only the person involved in the nuisance be evicted, allowing the other residents to stay.
6. The person has any other legal defense or legal reason to stop the eviction action.¹²

If any of these provisions apply, the warning letter urges the recipient to contact the city attorney or a legal assistance provider. As will be described later, in some cases tenants simply leave the property after receiving a warning letter.

After receiving a warning letter, property owners must move forward with an eviction within 30 days, either by initiating it on their own or by requesting that city attorneys bring actions against the tenants—or tenant—in the case of partial eviction. If a landlord does neither, the city attorney may begin the eviction process and may also join the landlord to the action. As in all eviction cases, before the landlord or city attorney may file an unlawful detainer action, they must first file a 3-day, 30-day or 60-day notice to quit. A 3-day notice to quit, which requires the tenant to vacate the property within three days, is generally used in nuisance cases such as these. If the renter is still on the property at the end of the notice period, the landlord or city attorney can then file the unlawful detainer action with the court. If a landlord assigns a case to the city attorney or is joined to the action, then the landlord might pay up to \$600 in reimbursement fees to the court.

If the landlord or city attorney ultimately files an unlawful detainer lawsuit, the court will evaluate whether the grounds for an eviction have been established. If they have not, the court will dismiss the case. If the grounds have been established, the court has several options:

1. Order a full eviction, which immediately evicts all tenants and occupants from the property.
2. Dismiss the action, or delay the eviction, if the tenant successfully makes a case that immediate eviction would be an “extreme hardship to the tenant and that the hardship outweighs the health, safety, or welfare of the neighbors or surrounding community.”
3. Issue, “upon a showing of good cause,” a partial eviction order for only one or some tenants and bar those tenants from reentering the property.¹³

All cities said in interviews with the Research Bureau that they prefer to avoid litigation where possible, focusing on informal resolutions. In fact, one advantage they saw in the pilot program is greater flexibility in avoiding litigation, both through the use of a warning letter, as well as the ability to motivate landlords to be proactive against drug- and weapon-related nuisance.

Program Use by Cities

During interviews, representatives for each of the jurisdictions said they saw value in how the program helps motivate recalcitrant landlords to manage their properties better. The program provides an important tool for the cities to act when a landlord can’t or won’t. For instance, Long Beach’s representative provided an example of a tenant producing honey oil, a concentrated liquid essence of cannabis, in their residence. This is a process that requires the use of butane and has been linked to fires and explosions. Another example concerned an apartment complex where a laundry room had been taken over by a gang. Sponsored evictions allowed the city attorney to intervene despite a non-responsive landlord, or one that was concerned about reprisals from tenants. The program also allows cities to impose a financial cost on those landlords if the city sponsors the eviction. The result, in the view of the participating cities, is that landlords are

Table 1: Most Cases Do Not Move Through Full Process

	Warning Letter		Notice to Quit		Eviction Filed		Adjudicated		Pending	
	N	%	N	%	N	%	N	%	N	%
Grand Total	64	100.0%	24	100.0%	12	100.0%	8	100.0%	7	100.0%
Long Beach	42	65.6%	12	50.0%	8	66.7%	6	75.0%	4	57.1%
Drug	42	65.6%	12	50.0%	8	66.7%	6	75.0%	4	57.1%
Los Angeles	2	3.1%	1	4.2%	1	8.3%	1	12.5%	0	0.0%
Weapon	2	3.1%	1	4.2%	1	8.3%	1	12.5%	0	0.0%
Oakland	10	15.6%	3	12.5%	3	25.0%	1	12.5%	3	42.9%
Both	5	7.8%	2	8.3%	2	16.7%	1	12.5%	2	28.6%
Drug	1	1.6%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Weapon	4	6.3%	1	4.2%	1	8.3%	0	0.0%	1	14.3%
Sacramento	10	15.6%	8	33.3%	0	0.0%	0	0.0%	0	0.0%
Drug	7	10.9%	5	20.8%	0	0.0%	0	0.0%	0	0.0%
Weapon	3	4.7%	3	12.5%	0	0.0%	0	0.0%	0	0.0%

prodded to do a better job of screening tenants, and are more vigilant about potential criminal activity on their properties. However, representatives of the Western Center on Law & Poverty have raised a concern that the program could be abused in tight housing markets by landlords who seek to evict tenants in order to raise rents.¹⁴

As discussed above, the first step a city attorney or city prosecutor using the pilot program must take is to send a warning letter advising of the likely eviction. City attorneys sent 64 of these letters in 2015.¹⁵ Table 1 provides the number of cases that advance through each step in the eviction process. The majority of cases (40 out of 64, or 62.5 percent) progressed no further than the warning letter, while 24 advanced to (37.5 percent) a notice to quit. Twelve of the 64 (18.8 percent) cases resulted in eviction proceedings being filed in court, of which eight (12.5 percent) are reported as adjudicated. Seven cases (10.9 percent) are still in the process of being resolved. Most cities sent a warning letter based on either a weapons arrest or drug arrest; however, Oakland had five cases where the tenant(s) had both a weapons and a drug arrest. In these cases, they were sent two notices, one for each nuisance violation. The

“Both” category below addresses this issue and prevents double-counting.

City attorneys filed four unlawful detainer actions in court against these tenants and landlords filed eight. This is consistent with the Research Bureau’s previous findings that city attorneys file few court cases.¹⁶ Table 2 details which plaintiff filed eviction proceedings. Long Beach, which used the program more than any other city, also reported the most cases filed with the court by the city attorney (three out of eight, or 37.5 percent). In Oakland, all three of

Table 2: City Attorneys Filed Unlawful Detainer Actions Less Often Than Owners

	City Attorney Filed		Owner Filed	
	N	%	N	%
Grand Total	4	100.0%	8	100.0%
Long Beach	3	75.0%	5	62.5%
Drug	3	75.0%	5	62.5%
Los Angeles	1	25.0%	0	0.0%
Weapon	1	25.0%	0	0.0%
Oakland	0	0.0%	3	37.5%
Both	0	0.0%	2	25.0%
Weapon	0	0.0%	1	12.5%

the unlawful detainer cases were filed by landlords.¹⁷ All cases filed by Long Beach were for drug-related notices, and the one for Los Angeles, which the city attorney filed, was weapons-related.

City attorneys have the option to decline a case, so it is possible some landlords asked to pass the eviction process to the city, but the city declined to do so. In Long Beach, the attorney responsible for the program said that some landlords just want to assign the case to the city and pay the \$600 fee, the maximum amount the law allows for reimbursement. It is his policy to only accept a case assignment where there is a safety issue; otherwise he suggests to landlords that they hire their own attorneys.¹⁸ Sacramento representatives also noted the \$600 reimbursement does not cover the city's expenses; however, they view the process as a "win" even if the city attorney has to file because the city is able to remove a tenant who has been cited for nuisance.¹⁹ The law allows city attorneys to join an unresponsive landlord to the unlawful detainer action. No property owners were joined in any of the 12 cases that went to court in 2015.

In 10 cases (15.6 percent), tenants left the property before they received the warning letter, while in 16 (25 percent) the tenant(s) vacated after the warning letter, but before the landlord or city attorney sent a notice to quit. It is important to note that a warning letter is not an eviction notice; however, the required language does state that "an eviction action may soon be filed in court" against the tenant (see Civil Code § 3485[a][C][i]). When tenants vacate after receiving a warning letter, and in a quarter of all cases they did, it might be that such letters are an effective means to remove them from the property without initiating an eviction.²⁰ When tenants vacate prior to receiving a warning letter, however, it is unclear if that is an effect of the program.

Tenants in an additional 13 cases (20.3 percent) vacated after receiving the notice to quit, but before formal eviction proceedings were filed with the court. In total, for 39 of the original 64 cases (60.9 percent) the tenant(s) vacated before either the city attorney or the landlord filed an eviction with the court. In six cases (9.4 percent) the tenant(s) vacated after a trial, while three cases did not result in the tenant vacating—either because the tenant(s) had a beneficiary interest in the process and could not be evicted, or because delays in processing resulted in the program's statute of limitations being exceeded. An additional nine cases were resolved through other means, such as: the targeted tenant was incarcerated or the tenant(s) were already in the process of being evicted for another reason.²¹ Finally, seven cases were pending at the end of 2015, indicating the city attorneys may have taken further action. Six have received a warning letter with no recorded response as of the end of the reporting period, while one case was still in court at the end of the 2015.

Tenant Demographics and Background

Table 3 details the demographic information about tenants, as reported by city attorneys. Although most warning letters were sent to single individuals, in some cases letters were sent to multiple named individuals. As a result, 74 tenants received a warning letter in 2015. The law requires city attorneys to report the racial or ethnic identity of the tenant given a warning letter, and city attorneys reported race categories as either Black, White, Hispanic or Asian/Other.

Table 3: Noticed Tenants Mostly Black or Hispanic

	Black		Hispanic		White		Asian/Other		Unknown		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Grand Total	22	100.0%	25	100.0%	13	100.0%	6	100.0%	8	100.0%	74	100.0%
Long Beach	9	40.9%	21	84.0%	10	76.9%	2	33.3%	0	0.0%	42	56.8%
Drug	9	40.9%	21	84.0%	10	76.9%	2	33.3%	0	0.0%	42	56.8%
Los Angeles	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	25.0%	2	2.7%
Weapon	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	25.0%	2	2.7%
Oakland	7	31.8%	2	8.0%	0	0.0%	1	16.7%	2	25.0%	12	16.2%
Both	2	9.1%	2	8.0%	0	0.0%	1	16.7%	1	12.5%	6	8.1%
Drug	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	12.5%	1	1.4%
Weapon	5	22.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	5	6.8%
Sacramento	6	27.3%	2	8.0%	3	23.1%	3	50.0%	4	50.0%	18	24.3%
Drug	2	9.1%	2	8.0%	2	15.4%	2	33.3%	0	0.0%	8	10.8%
Weapon	4	18.2%	0	0.0%	1	7.7%	1	16.7%	4	50.0%	10	13.5%

Overall, about a third of tenants that received a warning letter identified as Hispanic (25 out of 74, or 33.8 percent), followed by Black (22 out of 74, or 29.7 percent), White (13 out of 74, or 17.6 percent) and Asian/Other (6 out of 74, or 8.1 percent).

The racial/ethnic categories of eight additional tenants (10.8 percent) were unknown or not reported and Los Angeles did not report race or ethnic categories. Black tenants received a warning letter at much higher rates than expected given their representative share of the population, while Whites and Asians were underrepresented. Given the small sample size

Table 4: Tenants Who Received Warning Notices and Had Previous Arrests for Similar Offenses

	Previously Arrested for Similar Offense		Not Previously Arrested for Similar Offense		Unknown		Total	
	N	%	N	%	N	%	N	%
Grand Total	42	100.0%	30	100.0%	2	100.0%	74	100.0%
Long Beach	39	92.9%	3	10.0%	0	0.0%	42	56.8%
Drug	39	92.9%	3	10.0%	0	0.0%	42	56.8%
Los Angeles	0	0.0%	0	0.0%	2	100.0%	2	2.7%
Weapon	0	0.0%	0	0.0%	2	100.0%	2	2.7%
Oakland	3	7.1%	9	30.0%	0	0.0%	12	16.2%
Both	1	2.4%	5	16.7%	0	0.0%	6	8.1%
Drug	0	0.0%	1	3.3%	0	0.0%	1	1.4%
Weapon	2	4.8%	3	10.0%	0	0.0%	5	6.8%
Sacramento	0	0.0%	18	60.0%	0	0.0%	18	24.3%
Drug	0	0.0%	8	26.7%	0	0.0%	8	10.8%
Weapon	0	0.0%	10	33.3%	0	0.0%	10	13.5%

it is not known whether this reflects neighborhood demographics, program bias or some other factor.

Arrest Records

A majority of tenants (42 out of 74, or 56.8 percent) had been previously arrested for offenses similar to those for which they received warning letters, according to the reported data. These tenants were largely concentrated in Long Beach, where 39 out of 42, or 92.9 percent, of tenants had been previously arrested for similar offenses. Most tenants who received a warning letter for weapon-related arrests had no previous arrest for a similar offense (78.3 percent or 18). In addition, Oakland and Sacramento also sent letters, primarily, to those who had not been previously arrested for similar offenses: 9 out of 12, or 75 percent, for Oakland, and 18 out of 18, for Sacramento.

In addition, Oakland provided information about whether criminal activity continued when the person moved to a new residence.²² Oakland reports that continued criminal activity was not observed for the majority of cases (nine out of 12, or 75 percent). In one case, Oakland was not able to verify whether unlawful activity had continued. As part of their reporting to the Research Bureau, city attorneys provide information on whether any tenants receiving warning letters in 2015 had also been sent warning letters in prior years. All city attorneys reported that no tenants noticed in 2015 had received letters in previous years.

Use of Program over Time

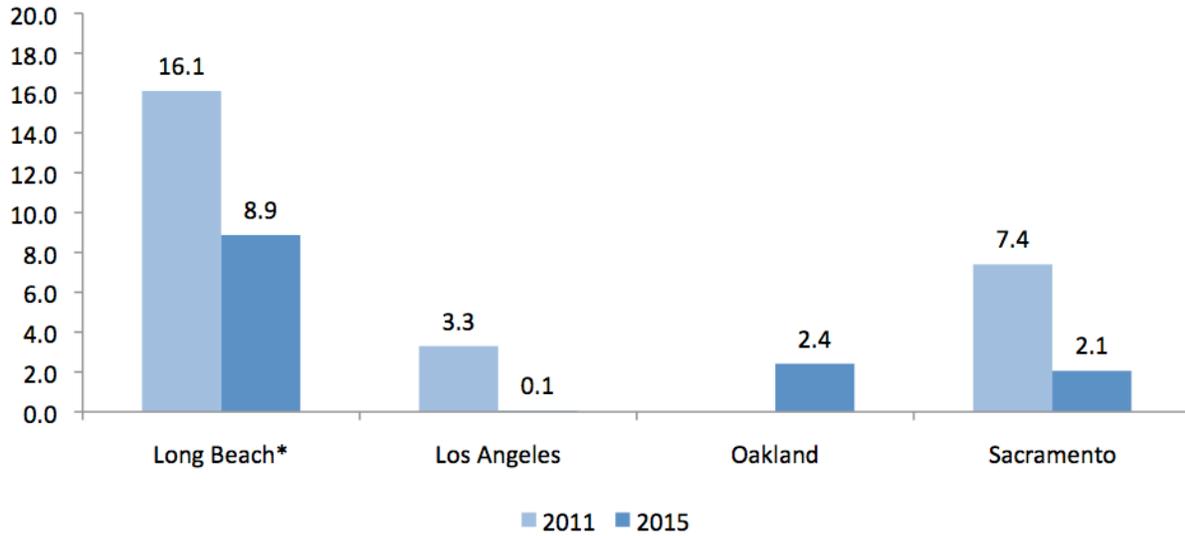
All city attorneys reported using the eviction program less often in 2015 than in 2011, the last reporting year (Table 5). The largest drop in program use was in Los Angeles, where the

Table 5: Change in Program Use Between 2011 and 2015

	2011		2015		Change
	N	%	N	%	
Grand Total	235	100.0%	64	100.0%	-72.8%
Long Beach	75	100.0%	42	100.0%	-44.0%
Drug	62	82.7%	42	100.0%	-32.3%
Weapon	13	17.3%	0	0.0%	-100.0%
Los Angeles	125	100.0%	2	100.0%	-98.4%
Drug	106	84.8%	–	–	–
Weapon	19	15.2%	2	100.0%	-89.5%
Oakland	–	–	10	100.0%	–
Both	–	–	5	50.0%	–
Drug	–	–	1	10.0%	–
Weapon	–	–	4	40.0%	–
Sacramento	35	100.0%	10	100.0%	-71.4%
Drug	26	74.3%	7	70.0%	-73.1%
Weapon	9	25.7%	3	30.0%	-66.7%

program was used 19 times for weapons-related evictions in 2011, but only two times in 2015 (an 89.5 percent drop). Cities gave different reasons for their decreasing use of the program. For Long Beach, which only used the drug-related portion of the program in 2015, the decrease in use may be attributed to a different attorney who wanted to focus on fewer cases that required more staff resources.²³ Long Beach reported not using weapons-related evictions in 2015 because the city did not update its weapon-related municipal ordinance until October. In Los Angeles, a representative from the city attorney's office suggested the decrease in weapon-related program use was due to diverting a limited number of staff to other work in addition to a lack of resources to translate and send the warning letters.²⁴ Los Angeles is not required to report its use of the drug-related eviction program, and so no data are available for comparison. A representative from Sacramento City Attorney's Office attributes the city's decreasing use of the program to greater awareness among landlords of their rights and responsibilities under the

Figure 1: Comparison of Warning Letters Sent in 2011 and 2015 Per 100,000 People



program. The “word is out,” the representative said, and landlords appear to readily respond to nuisance behavior and avoid being formally joined to cases themselves.²⁵ (For more information about Sacramento, see the case study following this section.)

Another reason for decreasing program use may be that Long Beach, Los Angeles and Oakland are exercising eviction authority under similar municipal programs. It is possible that overall city attorney-sponsored evictions have remained constant, with only their use of the state program having decreased, something the Research Bureau cannot verify because it only has data about use of the state program.²⁶

Figure 1 compares the use of the program in 2011 and 2015, while accounting for population differences. All cities used the program less often in 2015 than in 2011. Note that Oakland did not participate in 2011. Long Beach made the most use of the program in both 2011 and in 2015 despite not sending any weapons-related warning letters in 2015. Nevertheless, Long Beach still sent approximately two times as many warning letters as Oakland and four times as many as Sacramento, which both used the drug and weapon portions of the program in 2015. Los Angeles is no longer required to

report its use of drug-related evictions, but it did significantly decrease its use of the program for weapons—from 19 in 2011 to 2 in 2015.

Case Study: Sacramento

In Sacramento, between 2011 and 2015, 40 neighborhoods had at least one resident who received one of the 45 warning letters sent under the program.²⁷ Four neighborhoods had at least one resident that received a warning letter in both 2011 and 2015, and in three instances, the city attorney sent warning letters to multiple residents of the same neighborhood in the same year. The Research Bureau identified control neighborhoods that shared demographics with the 40 neighborhoods in which a resident received a warning letter. Table 6 presents the demographic characteristics of the neighborhoods that received warning letters in each year, and compares Census Block Groups within neighborhoods that received letters against control Census Block Groups. It should be noted that neighborhoods that received warning letters have a higher overall rental ratio, and a lower median income than Sacramento as a whole. These neighborhoods also tend to have a higher proportion of minority residents compared to the entire city.

Table 6: Selected Demographics of Sacramento Block Groups (BGs)

	All BGs	Noticed BGs	Control BGs	Individuals (2015 Only)
Sacramento				
<i>Percent White</i>	33.8%	25.4%	26.1%	3 (30%)
<i>Percent Black</i>	13.0%	17.2%	14.2%	2 (20%)
<i>Percent Hispanic</i>	27.9%	31.4%	32.1%	2 (20%)
<i>Percent Other Race</i>	25.4%	26.0%	27.6%	1 (10%)
<i>Percent Unknown Race</i>	-	-	-	2 (20%)
<i>Median Population</i>	1465	1394	1406	-
<i>Median Rental Ratio</i>	52.2%	57.8%	59.1%	-
<i>Median Age</i>	33.9	33.7	32.15	-
<i>Median Income</i>	\$46,417	\$33,828	\$32,621	-
<i>Median Call Volume</i>	902	815	636	-
<i>Count</i>	694	40	40	10 (100%)

During interviews, representatives from the City Attorney's Office and Police Department both identified combating drug dealing and eliminating gang activity as two of their key goals for using the program.

While a significant rationale for the program has been to help landlords evict nuisance tenants, city attorneys cited another reason they like the program. It provides a tool for motivating property owners and managers to be proactive in abating drugs- and weapons-related nuisance. Because the law has provisions for city attorneys to require landlords to process the eviction themselves or pay a \$600 fee, there is a financial incentive for landlords to solve problems before the city gets involved.

Community police officers told the Research Bureau in interviews that they tend to view issues with code enforcement and nuisance abatement as possible indicators of an absentee landlord, two of the factors they said allow gang members and/or drug dealers to establish

themselves at a property.²⁸ For example, officers pointed to the challenge of investment groups as property owners. Such absentee owners are removed from the neighborhood's physical and social environment, and as a result, they are often unaware of and/or slow to respond to nuisance violations. Educating property owners about the unlawful detainer pilot program is thus a key part of how Sacramento police say they use the program. As part of its strategy, the city provides voluntary classes, sometimes working with landlords and management companies to train them on best practices for instituting background checks on renters, identifying criminal activity and responding quickly to complaints about the property. Overall, the Sacramento City Attorney reported between 90 percent and 100 percent success in landlord response, and reported that they have not observed a single repeat offender among landlords.

Program Use

In Sacramento, the Police Department, City Attorney's Office and city code enforcement work with community members under its Justice for Neighbors program, where city representatives say the focus is on abating physical and social nuisance in a neighborhood

to prevent the emergence of new crime hot spots.²⁹

City attorney sponsored eviction is a tool used only after Sacramento's other interventions have been unsuccessful. Even after a city attorney-sponsored eviction is implemented, the emphasis remains on community engagement, city representatives said. A particular focus is on recruiting community members as partners in addressing nuisance. During interviews and a police ride along, Sacramento officials expressed concern that the eviction program might be used as a tool for gentrification, to target poorer tenants or as a way to raise rents, either by landlords or others that might try to abuse the program. For this reason, the Sacramento Police Department noted that it provides training to its community policing officers to recognize personal bias in an attempt to reduce missteps when making determinations about the use of evictions. The state program also imposes a check on its use by requiring an arrest before city attorneys can initiate program use by sending a warning letter.

Nuisance Levels Before and After Intervention

In addition to interviews and the ride along, the Research Bureau also studied the change in nuisance levels by census block before and after the city sent warning letters. The Bureau used the volume of nuisance-related calls to the police as a proxy for the level of nuisance activity. For comparison, Census Block Groups were matched according to population size, the percent nonwhite,³⁰ the percent of rental housing units, the median age and the median income. Table 2 above details the characteristics of all Sacramento block groups, those receiving a warning letter, and those matched as controls for the study.

The analysis shows that, on average, neighborhoods receiving a warning letter tended to have larger drops in calls over a 30-day period than neighborhoods that did not

receive a letter—however, the effect is *not* statistically significant.³¹ As more years are added to the data, and the number of observations increases, it may be possible to identify program impacts. In addition, the Research Bureau was unable to gather data on the tenant's actual vacate date. If this information becomes available in the future, it might be possible to conduct a more comprehensive evaluation of the program's effectiveness.

For details about the methodology employed, see Appendix A: Quantitative Analysis—Data and Methods.

Policy Considerations

- The state's city attorney eviction program has continued in limited form since 1998. If the program is renewed in 2019, there are policy options to consider as the program moves into its third decade.
- **Determine whether the merits of the program justify expansion.** For almost 20 years the city-attorney sponsored eviction has operated in a few specified jurisdictions in pilot form. If the program is working as intended, it may be worthwhile to consider expanding it to all cities. Conversely, if stakeholders do not believe it is working as intended, perhaps it is time for a re-evaluation.

If the program is expanded, Legislators might also consider eliminating or changing the cap on fees. The up-to-\$600 fee cities are legally allowed to recoup from landlords does not cover the expenses incurred for processing evictions. Sacramento representatives, for example, suggested that if the pilot program is going to include jurisdictions with smaller city budgets, then factoring in that these cities tend to hire outside counsel, which costs more than \$600, is important in setting the cap.

- **Assess the impact of local programs.** There are at least 16 local ordinances allowing city or county representatives to initiate, prosecute and/or otherwise execute civil remedies aimed at evicting nuisance tenants. Long Beach, Oakland and Los Angeles each have at least one local ordinance permitting the eviction of nuisance tenants. Among other differences from the state program, the local eviction programs do not include the power to evict only nuisance tenants (i.e. partial evictions) nor do they necessarily specify arrest as the threshold for noticing tenants. Since municipalities do not require that they report their program use to the state, it is possible that the combined sponsored eviction programs are being used in greater numbers than are now reported.
- **Examine the use of partial evictions.** One of the original goals of the program was to allow partial evictions. However, that aspect of the program has not been widely used in recent years. In 2011, for example only 2 of the 57 evictions under the state program were partial evictions. In 2015, there were no partial evictions. It is possible that for each use of the program, all tenants were arrested for nuisance behavior. However, it is difficult to determine if all tenants were involved just from the available data. One way to check is to look for very young or elderly tenants. Notably, there were no tenants in any noticed residence under 17 or over 66 years of age. In an interview with representatives of the Western Center on Law & Poverty, however, they expressed skepticism that only arrested tenants were being evicted. Current law stipulates that drug- and weapon-related arrests are required before a city attorney can send a warning letter to a tenant and landlord. However, the Center reported an anecdote where letters had been sent to all residents in a unit, but only one tenant had actually been arrested. In another instance, a landlord responded to a partial eviction warning letter by attempting to evict all the tenants in the unit. When this happens, the burden falls on the other tenants to resolve the issue, which they may not have the ability or resources to accomplish. The Center's representatives did not know whether the cases they cited were related to the state program because local legal centers helping tenants with evictions do not track which eviction programs their clients are fighting.
- **Include rental property management training information for landlords.** Sacramento and Long Beach city attorneys reported that landlords sometimes have little experience managing rental properties, and they will refer landlords to a local housing authority or association for classes and training. Including this information in warning letters could direct landlords where to go to learn how to better screen new tenants using credit and background checks.
- **Provide form letters in required languages.** As required by law, notices must be translated into Spanish, Chinese, Tagalog, Vietnamese and Korean. However, Los Angeles reported that translating warning letters into these languages was a barrier to their use of the program. The state could assist participating cities by providing warning letters already translated into the five additional required languages. The state could also make a repository of translated versions for cities to adapt/share.

Appendix A: Quantitative Analysis—Data and Methods

Data

To assess the relationship between city-attorney evictions on nuisance in Sacramento, the Research Bureau conducted a matched case-control study of the change in police calls for service to a neighborhood after the city attorney sent a warning letter. Treatment indicators were drawn from mandated reporting provided to the Research Bureau by the Sacramento City Attorney's Office for evictions in the city for 2011 and 2015. The data included residential addresses and the dates the warning letters were sent. Addresses were geocoded and assigned to a Census Block Group. The Research Bureau built demographic profiles for each neighborhood receiving a letter, which was then used to match them with a different block group that did not receive a warning letter. This second group constituted the matched control group.

After identifying the treatment and control groups, the Research Bureau used the Sacramento Police Department's dispatch logs to determine the daily calls for service to each block group. A calculation was then done on the change in calls to each treated block group and its matched control block group from a fixed time before the warning letter was sent, to the same time period after the letter was sent. The fixed time varied between one day prior and one day after, and up to 30 days prior and 30 days after. This change in calls constituted the response variable in the analysis. Finally, a calculation was done on the same change in call statistics for each block group, but for the year prior to the warning letter. This was included in the analysis as the time-lagged response variable.

Methods

After matching neighborhoods in which a tenant received a warning letter with control neighborhoods that did not receive a warning, a

standard Ordinary Least Square regression was performed. This statistical technique demonstrates how call volume changes in a neighborhood after a warning letter has been sent, controlling for other characteristics across neighborhoods. The analysis compared the change in calls from a fixed time period prior to each warning to a fixed time of the same length after each warning. For the control neighborhood that did not get a warning letter, the Research Bureau looked at the same time period for each of their matched neighborhoods that did receive a warning. Controls were set up for all the variables used in the initial matching, as well as for the measure of the change in calls that was observed over the same time window, but for the year prior to the warning being sent. Both the change in raw counts of calls as well as the percent change in calls were examined. Selected results for the 7-day, 15-day, and 30-day windows are below. Table A1 shows the results using the raw change in calls to calculate the response variable, while Table A2 corrects for differences in overall call volume by calculating the percent change in calls.

The Research Bureau also systematically recalculated its estimate of impact, looking first at only one day prior to one day after each warning letter then increasing the window of time by one day, up to 30 days prior to 30 days after each letter. Each estimated effect was then plotted, along with the 95 percent confidence interval of that estimate. Figure shows the estimate of the impact that receiving a warning letter had on the volume of nuisance calls from the neighborhood. Figure 2(A) looks at changes in the total number of calls to a neighborhood, while Figure 2(B) looks at the percent change in calls. In each figure, the solid line represents the estimated effect of the

Table A1: Match Case-Control Regression of Change in Calls

	7 Days		15 Days		30 Days	
	<i>Estimated Effect</i>	<i>Standard Error</i>	<i>Estimated Effect</i>	<i>Standard Error</i>	<i>Estimated Effect</i>	<i>Standard Error</i>
Received Notice	1.0328	2.2256	-2.5761	3.2858	-6.6583	6.2517
Population	0.0031	0.0019	0.0040	0.0028	-0.0012	0.0054
% Nonwhite	0.025	0.0721	0.0272	0.1065	0.1449	0.2039
% Rental	-0.0167	0.0688	0.0241	0.1031	0.2045	0.1979
Median Age	-0.0152	0.1508	0.1365	0.2205	0.1072	0.4207
Median Income	-0.0001	0.0001	-0.0002	0.0001	0.0000	0.0003
Lagged Change	-0.0423	0.1295	0.3367 **	0.1112	0.6593 ***	0.1196
Constant	0.5266	12.0746	-6.1603	17.7059	-19.2376	33.6630
R-Squared	0.0938		0.1996		0.3239	
Adj. R-Squared	0.005679		0.1218		0.2581	
Observations	80					

*, **, *** indicates significance at the 90%, 95%, and 99% level, respectively.

Table A2: Matched Case-Control Regression of Percent Change in Calls

	7 Days		15 Days		30 Days	
	<i>Estimated Effect</i>	<i>SE</i>	<i>Estimated Effect</i>	<i>SE</i>	<i>Estimated Effect</i>	<i>SE</i>
Received Notice	-6.9991	15.3599	-10.2363	10.6723	-15.7763	11.6714
Population	0.0066	0.0133	0.0052	0.0093	0.0044	0.0101
% Nonwhite	0.0173	0.5030	0.0736	0.3509	-0.1540	0.3819
% Rental	-0.3476	0.4816	-0.0919	0.3354	-0.1899	0.3654
Median Age	-0.5478	1.0567	0.9000	0.7276	0.4356	0.7858
Median Income	-0.0004	0.0007	-0.0005	0.0005	-0.0004	0.0005
Lagged Change	-0.2586 *	0.1407	0.1540	0.1024	0.6350 ***	0.0606
Constant	60.9265	0.7200	-10.8317	58.0759	21.2786	63.0442
R-Squared	0.0626		0.0712		0.6141	
Adj. R-Squared	-0.0285		-0.0191		0.5766	
Observations	80					

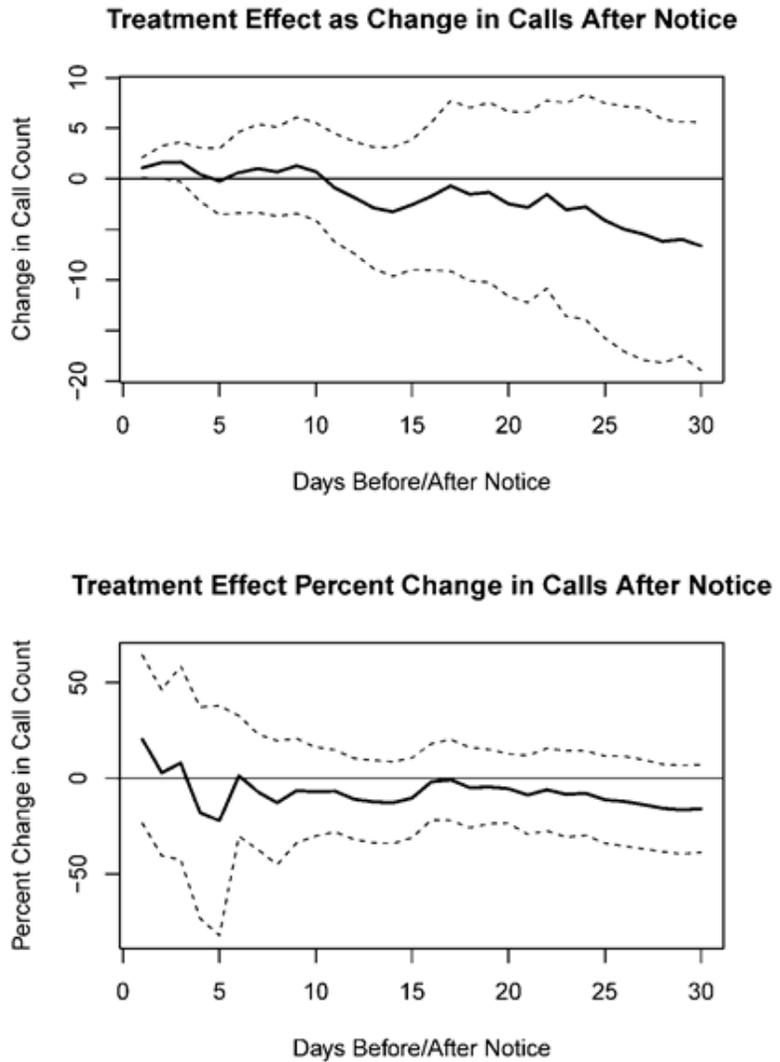
*, **, *** indicates significance at the 90%, 95%, and 99% level, respectively.

program on nuisance calls, while the dotted line represents the 95 percent confidence interval for the estimate. While the solid line shows an estimated decrease in calls, the fact that the area between the dotted lines includes zero means that the observed effect is likely just random chance.

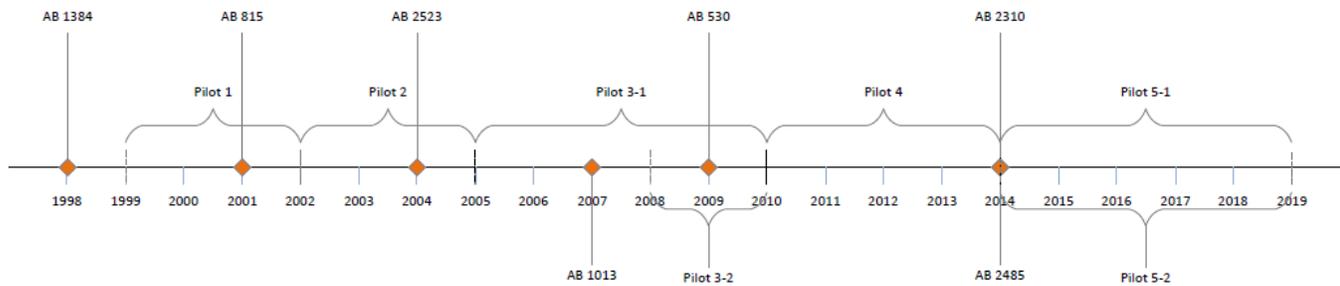
Limitations

There are some limitations with the data. The police call data, which was used as a measure of nuisance, includes administrative calls (such as units meeting to debrief or otherwise exchange information), that may not be relevant to the nuisance level for the grid in which they occurred. Similarly, there are geographic areas that serve as foci for nuisance calls—such as police buildings, hospitals, schools, parks, and commercial centers—that experience significantly higher call rates, but are unrelated to the nuisance rate in the rest of neighborhood. Both the treatment and control groups are spatially removed from obvious hot spots, and so are not heavily impacted, but their influence cannot be entirely eliminated.

Figure 2: Size and Confidence Intervals for Estimate of Impact of Program



Appendix B: California Unlawful Detainer Pilot Program Timeline



	Pilot 1	Pilot 2	Pilot 3-1	Pilot 3-2	Pilot 4	Pilot 5-1	Pilot 5-2
Enabling Bill	AB 1384 of 1998 (Havice)	AB 815 of 2001 (Havice)	AB 2523 of 2004 (Frommer)	AB 1013 of 2007 (Krekorian)	AB 530 of 2009 (Krekorian)	AB 2310 of 2014 (Ridley-Thomas)	AB 2485 of 2014 (Dickinson)
Annoyance Type	Controlled substances	Controlled substances	Controlled substances	<i>Illegal weapons and ammunition</i>	<i>Controlled substances and illegal weapons and ammunition</i>	<i>Illegal weapons and ammunition</i>	<i>Controlled substances</i>
Documentation	"sufficient documentation"	<i>Documentation by a police officer</i>	<i>Arrest report or other action from law enforcement/regulatory agency</i>	<i>Arrest report or other report from law enforcement agency</i>	Arrest report or other report from law enforcement agency	<i>Arrest or warrant from law enforcement agency</i>	<i>Arrest report from law enforcement agency</i>
Eviction	Establishes full or partial	Full or partial	Full or partial	Full or partial	Full or partial	Full or partial	Full or partial
Notice	15 days to owner	15 days to owner	<i>30 days to owner and tenant</i>	30 days to owner and tenant	30 days to owner and tenant	30 days to owner and tenant	30 days to owner and tenant
Reporting	Judicial Council	Judicial Council	Judicial Council	Judicial Council	<i>California Research Bureau</i>	<i>California Research Bureau; new reporting template</i>	<i>California Research Bureau; new reporting template; only Oakland and Sacramento required to report</i>
Jurisdictions	Some Los Angeles County courts	<i>Different Los Angeles County courts</i>	<i>Cities of Long Beach, Los Angeles, Oakland and San Diego</i>	<i>Cities of Long Beach, Los Angeles, Oakland, Sacramento and San Diego</i>	<i>Cities of Long Beach, Los Angeles, Oakland, Palmdale, Sacramento and San Diego</i>	<i>Cities of Long Beach, Los Angeles, Oakland and Sacramento</i>	<i>Cities of Los Angeles, Oakland and Sacramento</i>
Sunset Date	January 2002	<i>January 2005</i>	<i>January 2010</i>	<i>January 2010</i>	<i>January 2014</i>	<i>January 2019</i>	<i>January 2019</i>

◆ Year of bill passage; *Text in blue indicates changes from the previous legislation*
 California Research Bureau | September 2016

Endnotes

1. Retrieved from http://www.leginfo.ca.gov/pub/97-98/bill/asm/ab_1351-1400/ab_1384_cfa_19970513_154940_asm_comm.html
2. While there are technically two pilot programs – one for drug-related offenses and one for weapons violations, the goals of the programs and information cities are required to report are the same. For this reason, we refer to the two programs as a single pilot program in this report.
3. Retrieved from http://www.leginfo.ca.gov/pub/97-98/bill/asm/ab_1351-1400/ab_1384_cfa_19970513_154940_asm_comm.html
4. For a thorough history of the pilot program, see the Research Bureau's 2011 report: http://www.library.ca.gov/crb/11/Unlawful_Detainer_Pilot_Program_Report.pdf
5. At one time the law also permitted Palmdale and San Diego to participate, but neither jurisdiction reported using the program and they were removed from the pilot in later bills.
6. See CA Civil Code section 3486.5.
7. See CA Civil Code section 3485.
8. Using initial data it received, the California Research Bureau prepared and submitted a memorandum on March 1, 2016, to the Assembly and Senate Judiciary Committees summarizing basic program use.
9. See CRB's 2011 report (page 2), which originally suggested this type of review.
10. While city prosecutors may also initiate an eviction through this program, it appears that only city attorneys have. For this reason, the Research Bureau refers to the program as city attorney sponsored eviction.
11. See: http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201320140AB2485#
12. See CA Civil Code section 3485.
13. See CA Civil Code section 3485
14. Michael Moynagh. Western Center on Law & Poverty. In-person interview April 21, 2016.
15. Five of Oakland's uses of the program were tied to both drug and weapon nuisance. Duplicate letters were sent in these cases. To avoid double-counting, the Research Bureau treats these as single letters under the nuisance category "Both."
16. Blanton, R.E. 2011. "Unlawful Detainer: Pilot Program Report to the California Legislature." California Research Bureau. http://www.library.ca.gov/crb/11/Unlawful_Detainer_Pilot_Program_Report.pdf
17. Lindsey, T.D. 2013. "City-Attorney-Sponsored Unlawful Detainer in California Part I: Mandated Information 2013 Report to the Legislature." California Research Bureau. <http://cslstaging/crb/13/13-001.pdf>
17. While Oakland's City Attorney did not send any 3-, 30- or 60-day notices to quit after the initial notice of intent, in three of the drug cases the landlords sent 3-day notices to the tenant.
18. Art Sanchez. Long Beach City Attorney's Office. Phone interview April 21, 2016.
19. Gustavo Martinez and Phyllis Zakrajsek. Sacramento City Attorney's Office. Phone interview April 19, 2016.
20. It might be that tenants do not know where to go to contest their eviction; however, the law requires that the initial notice provide information about legal assistance providers, including those who are free of charge. See Section 3486 (c) of the Civil Code for drug-related violations <http://codes.findlaw.com/ca/civil-code/civ-sect-3486-nr2.html> and 3485(c) of Section 3485 of the Civil Code for weapon-related violations <http://codes.findlaw.com/ca/civil-code/civ-sect-3485.html>
21. Two cases where the Research Bureau was unable to determine final outcomes, but the city attorneys had marked the cases as resolved are also included in this category.
22. This information is required by law. Only Oakland provided it in the time requested.
23. Art Sanchez. Long Beach City Attorney's Office. Phone interview April 21, 2016.
24. Asha Greenberg. Los Angeles City Attorney's Office. Phone interview April 26, 2016. See California Civil Code, section 1632 and Government Code, section 7290-7299.8 for information about California's language access requirements in California law.
25. Gustavo Martinez and Phyllis Zakrajsek. Sacramento City Attorney's Office. Phone interview April 19, 2016. Oakland also reported that the threat of a citation pushes landlords into action.
26. One city representative did share that the city had used its local program 12 to 15 times and as many as 20. Richard Illgen and Elias Ferran. Oakland City Attorney's Office. Phone interview April 19, 2016. The Research Bureau found that there are at least 16 local ordinances allowing city or county representatives to initiate, prosecute and/or otherwise execute civil remedies aimed at evicting nuisance tenants.
27. A neighborhood is defined in this study as a Census Block Group. These may diverge from culturally defined neighborhoods.
28. Sergeant Lewis Pease and Officers Kristen Beal, Tera Carson and Kelli Streich. Community Policing Ride-along May 4, 2016.
29. Justice for Neighbors Handout, Sacramento Police Department. More information about the police program is available at: <http://www.cityofsacramento.org/CityAttorney/Justice-for-Neighbors>.
30. Percent nonwhite is included as a control to address concerns that minority neighborhoods might be policed differently than majority white neighborhoods.
31. For example, the Research Bureau calculated a P-value of .2904 for the treatment effect coefficient 30 days after a notice was sent. This means a change as extreme as observed would have occurred just as a matter of random chance approximately 29 percent of the time.