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City-Attorney-Sponsored Unlawful Detainer in California Part I: Mandated Information

2013 Report to the California Legislature

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Executive Summary

Background

Unlawful Detainer (UD) refers to a tenant illegally occupying a rental property. Historically, to evict such a tenant in California, it was the landlord or property owner who had to file a UD action in Superior Court against all tenants living at such a property. For over a decade legislation has allowed city attorneys in participating jurisdictions to file UD actions in lieu of landlords doing so.[*]

Assembly Bill 530 requires participating city attorneys to report information to the California Research Bureau (CRB) about city attorney involvement, property owner response, court processing, and tenant reaction. The bill requires CRB, in turn, to evaluate and report the merits of the program to the legislature. This UD report is CRB's second and is the sixth report to the legislature about the UD pilot programs.[†]

Analytic Framework

City attorneys, landlords, court actors, and tenants all participate in the city-attorney-sponsored Unlawful Detainer (UD) program analyzed in this report. This report focuses on the data from statutory reporting requirements imposed by California Assembly Bill 530 (Krekorian) on city attorneys in participating jurisdictions. The data describe city attorney, landlord, court, and tenant activities as they relate to the reported UD program data.

We ask, how do UD actors participate in the UD process? The rates presented in this report are derived from mandated data reported by city attorneys in Long Beach, Los Angeles, and Sacramento and are analyzed in terms of the efficacy of the program from the State's perspective.

Method

The UD actions we analyze include only those initiated by city attorneys in pilot jurisdictions – Long Beach, Los Angeles, and Sacramento – and are from the calendar year 2011. In a future report, we will present advanced analyses of the effectiveness of the UD program at abating community nuisance in Sacramento.

Missing from the mandate is reference to biographic information about tenants and property owners, neighborhood crime information, and information about tenants' criminal activities after they leave. Further, while mandated, data about where tenants live after they vacate are unavailable or not verifiable and are excluded from analysis in this report. Missing from this report also, due to data limitations, is a clear accounting of how all UD notices were resolved (or pending resolution).

Key Findings

Current reporting requirements and practices make it difficult to assess the overall merits of the UD pilot programs. Data about UD notices should be reported in mutually-exclusive and exhaustive categories to clearly account for city attorney, landlord, court, and tenant program participation and relate

[*] See California Assembly Bill 530 (Krekorian, chapter 244, 2009).

[†] Blanton, R.E.. "Unlawful Detainer: Pilot Program Report to the California Legislature." California Research Bureau. May 2011. http://www.library.ca.gov/crb/11/Unlawful_Detainer_Pilot_Program_Report.pdf

participation to outcomes. We present each group's participation according to mandated information reported to CRB.

City-attorney Participation

- Few UD notices were filed in court by city attorneys, a finding consistent with CRB's 2011 report.
- Long Beach made the most intensive use of the UD program during 2011 (per 100,000 people).
- Los Angeles issued the most notices overall.

Property Owner Participation

- A larger percentage of landlords directly responded to UD notices by filing actions against tenants in court than did those who indirectly responded by asking city attorneys to file in their stead.
- Landlords directly responded to city-attorney UD notices at a higher rate for weapon-related UD actions than for drug-related UD actions.

Court Participation

- A larger percentage of weapon-related UD actions made it to court than did drug-related UD actions.
- We suggest that weapon-related cases may be tougher to dispose of without court intervention and/or tenants served with weapon-related UD actions may be less likely to leave without fighting the notice.
- Long Beach's court processing rate for drug-related UD notices was highest, and the highest weapon-related processing rate was Sacramento's.
- Los Angeles disposed of more of its drug- and weapon- related UD cases without court involvement than did other jurisdictions.

Tenant Participation

- Overall 17.9 percent of tenants who were sent a UD notice vacated prior to the notice being served. Most of these tenants had drug-related UD notices served.
- Twenty-six percent moved after the UD notices were served. Most of these tenants had weapon-related UD notices served.
- Little information about tenants is reported, or, if it is, verifiable. Unclear from reported data are the number of tenants who ignore UD notices, who might have been incarcerated, or who died before or after the UD notice was served.

Conclusion

We asked, how do UD actors participate in the UD process? We find that per 100,000 people, Long Beach made the most intensive use of the UD program during 2011. Landlords directly responded to city-attorney UD notices at a higher rate for weapon-related UD actions than for drug-related UD actions. A larger percentage of weapon-related UD actions made it to court than drug-related actions did. While drug-related UD actions had the highest rate of tenants vacating prior to being noticed, weapon-related UD actions did for tenants vacating after being noticed.

Using only the reported data limits a more robust analysis of the UD program.
In a future report we will analyze the association between city-attorney sponsored UD noticing and community nuisance levels using quantitative data from the Sacramento Police Department.

Background

Unlawful Detainer (UD) refers to a tenant illegally occupying a rental property. Historically, to evict such a tenant in California, it was the landlord or property owner who was required to file a UD action in Superior Court against all tenants living at such a property. For over a decade legislation has allowed city attorneys in participating jurisdictions to file UD actions in lieu of landlords doing so.[*] Legislation not only extends the right to file UD actions to city attorneys in pilot jurisdictions, but it also allows for actions to be filed against tenants for illegal drug or weapon activities.[†] Further, where UD actions were previously filed against all tenants at a property, since 1999 actions may be filed against select tenants. The goal is to ameliorate nuisance and improve communities. This study looks at the merits of these changes in three pilot cities: Long Beach, Los Angeles, and Sacramento.

City attorneys must include landlords in the UD-action process. Before a city attorney files a UD action, the city attorney must give the property owner(s) 30-day written notice to take legal action against the tenant(s). The city attorney must also notify and provide the tenant with documentation supporting the reason (e.g., weapon or drug arrests) for the intended eviction. The property owner may then move forward with the eviction without assistance from the city attorney, may request that the city attorney bring a UD action against the tenant in lieu of the landlord doing so, or, if the property owner fails to act with due diligence, the city attorney may follow through with the UD action.

There are options for a tenant once the UD proceedings commence. Tenants may vacate a property after receiving the initial notice, may vacate the property once evicted, may contest the UD action in court, and/or may show proof that they have been wrongfully identified. Sometimes tenants vacate the property prior to receiving the initial written notice.

Assembly Bill 530 requires participating city attorneys to report information to the California Research Bureau (CRB) about city attorney involvement, property owner response, court processing, and tenant reaction. The bill requires CRB, in turn, to evaluate and report the merits of the program to the legislature. This UD report is CRB's second and is the sixth report to the legislature about the UD pilot programs.[‡]

[*] See California Assembly Bill 530 (Krekorian, chapter 244, 2009).

[†] More conventional evictions are for not paying rent or destruction of property.

[‡] In 2009, California Assembly Bill 530 (Krekorian chapter 244) altered the reporting requirements by shifting the responsibility of the report from the Judicial Council to the California Research Bureau. The Judicial Council filed the first four reports and CRB filed the fifth report. The 2011 CRB report presents a thorough background of the UD program and can be found at: http://www.library.ca.gov/crb/CRBReports.html

Analytic Framework

City attorneys, landlords, court actors, and tenants all participate in the city attorney-sponsored Unlawful Detainer (UD) program analyzed in this report. City attorneys select nuisance tenants to receive UD noticing for drug or weapons charges and move forward to evict those tenants. Landlords and tenants respond (or not) to UD notices sent to them by city attorneys, and court actors process UD cases filed in court. This report focuses on the data from statutory reporting requirements imposed by California Assembly Bill 530 (Krekorian) on city attorneys in participating jurisdictions. The data describe city attorney, landlord, court, and tenant activities as they relate to the reported UD program data.

What are the merits of a program such as city-attorney-sponsored UD? One way to identify the merits of an institution's programs is to analyze participation in those programs. Participation in the UD program includes city attorneys' decisions to serve notices, the responses of landlords and tenants to the notices that are served, and the courts' decisions in cases where notices are filed or contested. Thus, we ask, how do UD actors participate in the UD process? This report, where the data allow, presents the participation rates of city attorneys, noticed landlords and tenants, and the courts in the UD process.

From a fiscal perspective, a cost-effective UD program would process nuisance tenants with little cost to city attorneys and the courts; less involvement of city attorneys and court actors would equal lower costs. For instance, though there is some built-in cost to city attorneys as they identify nuisance tenants and prepare and send out UD notices to tenants and landlords, if landlords directly act on the notices by evicting tenants and filing paperwork, cost is shifted from city attorneys to landlords. And, if tenants move in response to just the UD notice without fighting the notice in court, cost is shifted away from the court. The rates presented in this report are derived from mandated data reported by city attorneys in Long Beach, Los Angeles, and Sacramento and are analyzed in terms of the efficacy of the program from the State's perspective. However, reporting data measuring the actual cost associated with city attorney and court time spent processing UD actions is not currently mandated. We assume that different participation rates of the people involved in the UD process indicate a more or less cost-effective program. We suggest that, in the future, participating jurisdictions also report the number of people assigned to UD-action tasks, the time spent doing those tasks, and the salaries associated with the people performing the tasks.

There are costs as well as potential benefits to landlords, tenants, communities, and even city police departments. Assembly Bill 530 stipulates that if a landlord assigns the UD action to the city attorney, the city attorney may recoup the cost up to $600.00 from the landlord for investigation, discovery, and reasonable attorney's fees. However, there is no mandate to require city attorneys to report if or how much the landlord paid. Future reporting could include this information to better understand the cost to landlords and the city attorneys if landlords do not pay. The cost to tenants vacating the property or otherwise fighting the action also remains unknown. Collecting information from tenants about attorney fees and other costs may offer a broader overview of the UD program for all people involved. Tenants may also benefit from the program indirectly if they cease nuisance behavior. Accessing reliable

information about tenants' criminal activities would allow CRB to estimate the personal effects of UD notices on tenants' behaviors.

The impact of the UD program on city police departments is a potential community benefit. Evicting a nuisance tenant from that community might decrease the number of times city police are called to the area and the costs associated with answering those calls. Our next report analyzes nuisance levels and how they might relate to the UD program.[*]

Analysis of reported data *does* offer us a glimpse of UD pilot program merits. But, to perform a more robust analysis of the pilot program's impact means gathering and analyzing additional data. As such, in cooperation with Sacramento Police Department (SPD) and the Sacramento City Attorney's office, CRB obtained Sacramento City police dispatch data. Our next report will evaluate the effectiveness of Sacramento's UD program at abating nuisance in communities where UD notices have been served. Our focus in this report is on meeting legislated reporting requirements by providing participation rates derived from mandated data and on the cost-effectiveness of the program from the city attorney and court perspectives.

Notably, analyses of program participation benefit from knowing biographic information (e.g., race/ethnic category) about people involved in a program (Lindsey 2009).[†] For example, tenants' biographic information helps to describe who are identified as nuisance tenants. However, because mandated data exclude verifiable biographic information, an analysis that includes race/ethnic category or age category is missing from this report. Future mandated reporting should include authorization for CRB to obtain and verify biographic information about tenants served with UD notices.

[*] While our next report will use quantitative data to analyze the relationship between city-attorney sponsored UD noticing and community nuisance levels, there are qualitative data that could also be collected and analyzed. Systematically interviewing community members could provide broader context and information about how the community experiences the UD program.

[†] Lindsey, T. D. "Institutionalizing Difference: Racial Integration in California Prisons for Men." Dissertation, University of California, Santa Barbara, 2010.

Method

In this report, we present the participation rates of people involved in the Unlawful Detainer (UD) process as reported by the city attorneys. The UD actions we analyze include only those initiated by city attorneys in pilot jurisdictions – Long Beach, Los Angeles, and Sacramento – and are from the calendar year 2011. In a future report, we will present advanced analyses of the effectiveness of the UD program at abating community nuisance in Sacramento.

The analyses in tables describe participation in the UD pilot program. Participation is broken out according to city attorney, landlord, court, and tenant activities in the UD process. Participation is indicated by, among other things, city attorneys noticing a tenant and landlord; how landlords respond; court outcomes; and tenant responses. The data employed to calculate rates are those reported to CRB by city attorneys from each of the participating pilot jurisdictions. Where applicable, we note when reported data limit our analysis. We calculate participation rates by dividing the measured activity by the total number of UD notices sent:

$$\frac{\text{Measured Activity}}{\text{Total Number of UD Notices Sent}}$$

For instance, if 100 UD notices were sent out, and 15 landlords respond by filing the UD action with the court, then the participation rate for landlords who file the UD action is 15 percent.

Court participation is the exception to the formula provided above. We calculate participation rates for court activity by dividing the measured activity by the total number of UD cases filed with the courts:

$$\frac{\text{Measured Activity}}{\text{Total Number of UD Notices Filed with the Courts}}$$

We standardize participation rates by dividing the number of UD notices sent by the jurisdiction's population:

$$\frac{\text{Number of UD Notices Sent}}{(\text{Jurisdiction Population}/100{,}000)}$$

The reported information is mandated but not reported uniformly. Thus, where Long Beach, Los Angeles, and Sacramento supplied aggregate data about UD use, only Long Beach and Sacramento reported individual UD action addresses and names of tenants served with UD actions as well as the dates notices were served to tenants. Los Angeles supplied only aggregate information. Sometimes data were not reported for UD activity. We note this in the tables presenting the information. Further, rows in each table do not represent 100 percent of the cases. Footnotes present possible reasons for why some cases went unclassified.

We caution the reader about making inferences from the ratios presented above. We do not know how many opportunities each city attorney had to send UD notices. Who city attorneys choose to receive a UD notice depends on many variables not reported or analyzed here.

Advanced analyses drawing from all of a city's UD case opportunities might provide a clearer understanding of the UD program.

Missing from the mandate is reference to biographic information about tenants and property owners, neighborhood crime information, and information about tenants' criminal activities after they leave. Further, while mandated, data about where tenants live after they vacate are unavailable or not verifiable and are excluded from analysis in this report.

Assuming that the reported data reflect mutually-exclusive and exhaustive categories, Table 1 summarizes how UD notices were resolved. The final column provides the number of notices accounted for in the table as a raw number and as a percentage of the number of notices sent. It appears that there is some overreporting and some underreporting. For example, overall, 191 of the 235 notices (81.3 percent) are accounted for. Some unresolved or resolved cases might be pending cases from calendar year 2010 that carried over to calendar year 2011 reporting. The mandate does not require the outcomes to be reported by the year in which the case was initiated. To clearly account for all UD notices sent out, we suggest creating mutually-exclusive and exhaustive reporting categories that include the year the UD notice was initiated.

In tables throughout the report, we break out city attorney, landlord, court, and tenant participation. Participation reported in each table does not account for 100 percent UD notice outcomes. We suggest in footnotes associated with tables and in the text how the data help and do not help account for 100 percent of the UD notices served.

Table 1 – Account of UD Notice Outcomes from Provided Data

		Action Type																
		UD Notices Sent	UD Action Filed by City Attorney		UD Actions Filed by Property Owner		UD Actions Filed Jointly Against Property Owner		UD Actions Pending		Tenants Vacate Before UD Notice		Tenants Vacate After UD Notice		Error		Accounted for Notices	
Pilot City	**UD Type**	**N**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**
Long Beach	**Drug**	**62**	3	4.8%	15	24.2%	0	0.0%	16	25.8%	9	14.5%	17	27.4%	0	0.0%	60	96.8%
	Weapon	**13**	0	0.0%	5	38.5%	0	0.0%	2	15.4%	0	0.0%	4	30.8%	0	0.0%	11	84.6%
	Subtotal	**75**	3	4.0%	20	26.7%	0	0.0%	18	24.0%	9	12.0%	21	28.0%	0	0.0%	71	94.7%
Los Angeles	**Drug**	**106**	3	2.8%	13	12.3%	2	1.9%	0	0.0%	20	18.9%	25	23.6%	1	0.9%	64	60.4%
	Weapon	**19**	0	0.0%	8	42.1%	0	0.0%	5	26.3%	4	21.1%	5	26.3%	0	0.0%	22	115.8%
	Subtotal	**125**	3	2.4%	21	16.8%	2	1.6%	5	4.0%	24	19.2%	30	24.0%	1	0.8%	86	68.8%
Sacramento	**Drug**	**26**	2	7.7%	4	15.4%	1	3.8%	2	7.7%	8	30.8%	7	26.9%	0	0.0%	24	92.3%
	Weapon	**9**	0	0.0%	4	44.4%	0	0.0%	2	22.2%	1	11.1%	3	33.3%	0	0.0%	10	111.1%
	Subtotal	**35**	2	5.7%	8	22.9%	1	2.9%	4	11.4%	9	25.7%	10	28.6%	0	0.0%	34	97.1%
All	**Drug Total**	**194**	8	4.1%	32	16.5%	3	1.5%	18	9.3%	37	19.1%	49	25.3%	1	0.5%	148	76.3%
	Weapon Total	**41**	0	0.0%	17	41.5%	0	0.0%	9	22.0%	5	12.2%	12	29.3%	0	0.0%	43	104.9%
	Total	**235**	8	3.4%	49	20.9%	3	1.3%	27	11.5%	42	17.9%	61	26.0%	1	0.4%	191	81.3%

Key Findings

City attorneys, landlords, court actors, and tenants in pilot jurisdictions are active participants in Unlawful Detainer (UD) actions aimed at evicting tenants who illegally occupy a rental property for illegal weapon- or drug-related activity. Current reporting requirements and practices make it difficult to assess the overall merits of the UD pilot programs. Data about UD notices should be reported in mutually-exclusive and exhaustive categories to clearly account for city attorney, landlords, the courts, and tenants program participation and relate participation to outcomes. We present each group's participation according to mandated information reported to CRB.

City Attorney Participation

City attorneys are involved in several parts of the UD process. Current legislation allows them to serve landlords and nuisance tenants with notice of their intention to evict tenants. Then, if a landlord does not respond or does not show due diligence in response, the city attorney may decide to file against the landlord as well as the tenant. At their expense, landlords may also ask city attorneys to file in their stead, or, city attorneys may file the UD action jointly against tenants with landlords. The UD actions may also be brought against all tenants at a UD action residence, or the city attorney may seek a partial eviction of just some or one of the residents. The city attorney sometimes incorrectly identifies the subject of a UD notice.

Table 2 – City Attorney UD Participation by Pilot Jurisdiction, UD Type, and Notices Served*

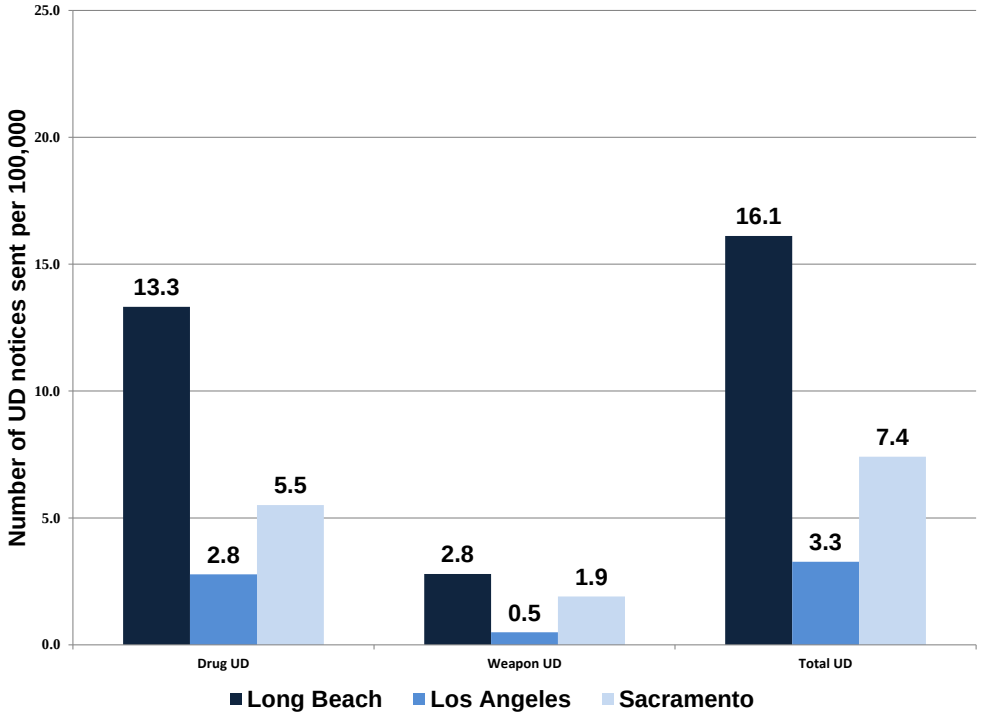
		UD Notices Sent	
Pilot City	**UD Type**	**N**	**%**
Long Beach	**Drug**	**62**	82.7%
	Weapon	**13**	17.3%
	Subtotal	**75**	100.0%
Los Angeles	**Drug**	**106**	84.8%
	Weapon	**19**	15.2%
	Subtotal	**125**	100.0%
Sacramento	**Drug**	**26**	74.3%
	Weapon	**9**	25.7%
	Subtotal	**35**	100.0%
All	**Drug Total**	**194**	82.6%
	Weapon Total	**41**	17.4%
	Total	**235**	100.0%

* California AB 530 stipulates which data city attorneys must report to CRB. This includes reporting, for the subtotal of cases in which a notice was sent but no case filed (178; see paragraph below), the number of tenants who vacated their residence prior to (42) and after (61) receiving notice (Table 11), the number of notices sent in error [(1); Table 3], and the number of other resolutions [(23); not presented in a Table]. These reported data account for 127 of the subtotal of cases in which a notice was sent but no case was filed (178).This appears to leave 51 cases unaccounted for. Perhaps they are accounted for within the pending cases (see Table 3).

It appears that of the 235 UD notices sent out, 178 were not filed [235 – 8 (Number of UD Actions Filed by City Attorney) – 49 (Number of UD Actions Filed by Landlord) = 178]. See Tables 3 and 4.

In calendar year 2011 city attorneys in pilot jurisdictions reported serving 235 UD notices (Table 2). Overall, city attorneys sent more UD notices for drug-related activities (82.6 percent) than they did for weapon-related activities (17.4 percent). Within jurisdictions, Los Angeles (84.8 percent) sent out the largest percentage of UD notices for drug-related activity, and Sacramento (25.7 percent) sent out the largest percentage of notices for weapon-related activity.

Figure 1 – 2011 City Attorney UD Notices Sent per 100,000 Pilot Jurisdiction Population*



Viewing participation according to the population of each jurisdiction offers an interesting difference (Figure 1). Per 100,000 people, Long Beach made the most intensive use of the UD program during 2011. Where the Los Angeles city attorney served more notices than other cities did (Table 1), it is Long Beach's city attorney who sent out more UD notices per 100,000 people (a rate of 16.1 per 100,000 people), for drug activity (a rate of 13.3 per 100,000 people), and for weapon-related activity (a rate of 2.8 per 100,000 people). These rates are approximately twice Los Angeles' rate of drug and overall UD actions, three times Sacramento's rate of drug UD actions, and five times Sacramento's rate of weapon-related and overall UD actions. Comparatively, Los Angeles and Sacramento deploy the city-attorney UD program at a lower rate per 100,000 people than Long Beach does. Explaining this difference would require access to and analysis of city crime data, resources, and other individual-level information about program utilization, which CRB does not currently have.

* Total city population from U.S. Census population estimates for 2011. http://www.census.gov/.

Table 3 – City Attorney UD Participation by Pilot Jurisdiction, UD Type, and Action Type*

		Action Type						
		UD Notices Sent	UD Actions Filed by City Attorney		UD Notices in Error		UD Actions Pending	
Pilot City	**UD Type**	**N**	**N**	**%**	**N**	**%**	**N**	**%**
Long Beach	**Drug**	**62**	3	4.8%	0	0.0%	16	25.8%
	Weapon	**13**	0	0.0%	0	0.0%	2	15.4%
	Subtotal	**75**	3	4.0%	0	0.0%	18	24.0%
Los Angeles	**Drug**	**106**	3	2.8%	1	0.9%	0	0.0%
	Weapon	**19**	0	0.0%	0	0.0%	5	26.3%
	Subtotal	**125**	3	2.4%	1	0.8%	5	4.0%
Sacramento	**Drug**	**26**	2	7.7%	0	0.0%	2	7.7%
	Weapon	**9**	0	0.0%	0	0.0%	2	22.2%
	Subtotal	**35**	2	5.7%	0	0.0%	4	11.4%
All	**Drug Total**	**194**	8	4.1%	1	0.5%	18	9.3%
	Weapon Total	**41**	0	0.0%	0	0.0%	9	22.0%
	Total	**235**	8	3.4%	1	0.4%	27	11.5%

Table 3 conveys information about city attorney filing activity, includes information about when a UD notice was sent in error, and suggests that at the end of calendar year 2011 many UD noticed cases were pending. Overall, 3.4 percent of UD noticed cases were filed by city attorneys, only 0.4 percent of the notices were sent in error, and 11.5 percent were pending resolution. All actions filed by city attorneys or sent in error were for drug-related UD actions.

Few UD notices were filed in court by city attorneys, a finding also reflected in CRB's 2011 Unlawful Detainer Report.† Sacramento (5.7 percent) reported the highest rate of filing cases with the court while Los Angeles (2.4 percent) reported the lowest. All cases filed by the city attorneys were for weapon-related UD notices.

It is also possible that a city attorney send a notice in error. Only Los Angeles reported sending a notice in error regarding a drug-related UD notice. The reason given for this error was that an arrestee gave false information. That so few UD notices were sent in error is promising and suggests tenants were for the most part correctly identified.

Pending cases are important to report and analyze. Pending cases may be an indication that certain types of cases are more difficult to dispose of, but they may also represent cases filed closer to the end of the reporting period. Addressing the former, if pending cases vary little from the types of cases already disposed, then we might be able to estimate how they will be disposed in the future. On the other hand, if those pending cases are different than disposed cases, we may better estimate what kind of cases are less efficiently disposed of and the cost associated with them. Looking at the latter, understanding the length of time it takes to

* Rows do not account for 100 percent of UD notices. See methods section. The total for all pilot cities across action type adds up to 36. If these action types are mutually exclusive categories, then 36 of the UD notices are accounted for with these reported data. It is difficult to know whether or not the UD actions filed by city attorneys reported here also include some of those cases reported in Table 4.

† Blanton, R.E.. "Unlawful Detainer: Pilot Program Report to the California Legislature." California Research Bureau. May 2011. http://www.library.ca.gov/crb/11/Unlawful_Detainer_Pilot_Program_Report.pdf

dispose different types of cases assists with analyzing cost to city attorneys. Thus, given more access to information about pending cases CRB might provide city attorneys with information about how to more efficiently implement their program and estimate costs. We could also better analyze what it means that there is such wide variation in the pending case rates with Los Angeles (4.0 percent) reporting the lowest pending rate and Long Beach (24.0 percent) reporting the highest.

Property Owner Participation

As an initial part of the city-attorney-involved UD action process, a city attorney must first notice the landlord of a property occupied by tenants subject to a UD action. The property owner has 30 days to respond to the notice and take action against the tenant.[*] The landlord may directly respond by filing the action and proceeding with good faith, indirectly respond by agreeing that the city attorney may file the action in their stead, or, if the owner does not respond to the city attorney, then the city attorney may file and join the owner as a defendant to the action. This section describes the frequency and type of property owner participation in the unlawful detainer process.

Table 4 reports landlords' direct, indirect, and lack of response to UD noticing. Overall, a much larger percentage (20.9 percent) of landlords directly responded (i.e., filing the action and proceeding with good faith) to UD notices. Landlords also directly responded to weapon-related UD notices at a higher rate (41.5 percent). We suggest as one explanation that property owners may see weapons issues as more immediately dangerous and, therefore, act directly. Of those UD actions assigned to the city attorney (2.1 percent) and those actions that join the landlord (1.3 percent), all were for drug-related UD actions (2.6 percent and 1.5 percent, respectively).

The landlord direct participation rate was highest for Long Beach (26.7 percent) and lowest for Los Angeles (16.8 percent) suggesting that given the number of notices served, Long Beach city attorneys had to commit less time to evicting the tenants there. Where Long Beach (24.2 percent) reported the highest rate of landlord direct participation for drug-related UD actions, Sacramento (44.4 percent) reported the highest rate of landlord direct action for weapon-related UD actions.

For UD actions with indirect landlord participation, landlords may find tenants difficult to evict or may be afraid of the tenants so they ask the city attorney to follow through. Per the mandate, there is a fee associated with landlords' indirect actions. Assuming that these fees were collected, city attorneys might have recouped some costs.[†] Sacramento (7.7 percent) reported a higher rate of indirect landlord participation, and Long Beach reported the lowest

[*] See California AB 530 §3485 a(ii)(D).

[†] See California AB 530 §3485 a(ii)(E)

Table 4 – Property Owner UD Participation
by Pilot Jurisdiction, UD Type, and Action Type*

			Action Type					
			UD Actions Filed by Property Owner		UD Actions Assigned to City Attorney		UD Actions Filed Jointly against Property Owner	
Pilot City	UD Type	# UD Notices Sent	N	%	N	%	N	%
Long Beach	Drug	62	15	24.2%	3	4.8%	0	0.0%
	Weapon	13	5	38.5%	0	0.0%	0	0.0%
	Subtotal	75	20	26.7%	3	4.0%	0	0.0%
Los Angeles	Drug	106	13	12.3%	❖	--	2	1.9%
	Weapon	19	8	42.1%	❖	--	0	0.0%
	Subtotal	125	21	16.8%	❖	--	2	1.6%
Sacramento	Drug	26	4	15.4%	2	7.7%	1	3.8%
	Weapon	9	4	44.4%	0	0.0%	0	0.0%
	Subtotal	35	8	22.9%	2	5.7%	1	2.9%
All	Drug Total	194	32	16.5%	5	2.6%	3	1.5%
	Weapon Total	41	17	41.5%	0	0.0%	0	0.0%
	Total	235	49	20.9%	5	2.1%	3	1.3%

❖Not reported.

(4.8 percent). Los Angeles did not report indirect landlord activity. Future reports could include analysis of data that measure the cost of city attorney-sponsored UD actions.

In 1.3 percent of the UD noticed cases, property owners appear either to not respond to city attorneys at all, they did not show good faith in their responses, or they had some other response. Sacramento (2.9 percent) reported the highest lack of response rate and Long Beach (0.0 percent) reported the lowest. Each of the reported cases with no response was for drug-related UD notices; there were zero weapon-related cases with no response.

That property owners responded in some way to all weapon-related UD notices may be important. In the future, analyses aimed at understanding landlord response to weapon- and drug-related UD notices could help UD program administrators know how to encourage more property owners to directly act on drug-related UD notices. It may also benefit the program to understand better Long Beach's procedures because all landlords appear to have responded either directly or indirectly there.

Court Participation

After city attorneys serve UD notices, either they or landlords file some cases with the courts for adjudication. Here, using the total number of cases filed in court as the denominator, we include the rates at which an eviction was for an entire household or only specified members;

* Rows do not account for 100 percent of UD notices. See methods section. The total for all pilot cities across action type adds up to 57, the number of cases filed in court (see Table 4). If these action types are mutually-exclusive categories, then 57 of the UD notices are accounted for with these reported data. Notably, the number of UD notices assigned to the city attorney added to the number of UD notices filed jointly is eight; this is the same number of actions filed by the city attorney (see Table 3). It is unclear how the rest of the landlords responded in the remaining 178 cases [Number of UD notices sent (235) – Number of cases filed in court (57)].

if judgments to evict were default, stipulated, or after a trial; and whether trials were by court or by jury. We also present information about whether the cases were withdrawn, if the tenant prevailed, the number of tenants represented by counsel, "other" dispositions, whether or not there was an appeal, and, if there was an appeal, the result.

Table 5 – UD Cases Filed in Court by Jurisdiction and UD Type*

			Cases Processed by Court	
Pilot City	**UD Type**	**# UD Notices Sent**	**N**	**%**
Long Beach	**Drug**	**62**	18	29.0%
	Weapon	**13**	5	38.5%
	Subtotal	**75**	23	30.7%
Los Angeles	**Drug**	**106**	16	15.1%
	Weapon	**19**	8	42.1%
	Subtotal	**125**	24	19.2%
Sacramento	**Drug**	**26**	6	23.1%
	Weapon	**9**	4	44.4%
	Subtotal	**35**	10	28.6%
All	**Drug Total**	**194**	40	20.6%
	Weapon Total	**41**	17	41.5%
	Total	**235**	57	24.3%

In calendar year 2011 city attorneys or landlords filed 57 of their UD cases in pilot jurisdiction courts (Table 5; 24.3 percent). Overall, a larger percentage of weapon-related (41.5 percent) UD actions made it to court than drug-related (20.6 percent) UD actions did. Weapon-related cases may be tougher to dispose of without court intervention and/or tenants served with weapon-related UD actions may be less likely to leave without fighting the notice. Assuming that higher rates of court involvement equal higher program costs, weapon-related UD notices would then be more costly. Long Beach's court processing rate for drug-related UD notices (29.0 percent) was highest, and the highest weapon-related processing rate was Sacramento's (44.4 percent). Los Angeles disposed of more of its drug- and weapon-related UD cases without court involvement. Assuming that lower rates of court involvement equal lower program costs, Los Angeles, per total number of notices served, achieved the most cost-effective outcomes for notices issued.

* Rows do not account for 100 percent of UD notices. See methods section. The total number of cases processed by the court for all pilot cities across action type adds up to 57, the disaggregated number of cases filed in court directly by, indirectly by, or jointly against property owners (see Table 4). If the court processing is a mutually exclusive category, then 57 of the UD notices are accounted for with these reported data. It remains unclear what happened in the cases that were not filed. It appears that 178 were not filed [Total number of cases (235) – The number of cases filed (57)]. These might be some of the pending cases (see Table 3).

Table 6 – Court UD Activity by Jurisdiction, UD Type, and Partial Eviction*

			Partial Eviction			
			Partial Evictions Requested		Partial Evictions Issued	
Pilot City	UD Type	# of UD Cases filed by Property Owner or City Attorney	N	%	N	%
Long Beach	Drug	18	1	5.6%	1	5.6%
	Weapon	5	0	0.0%	0	0.0%
	Subtotal	23	1	4.3%	1	4.3%
Los Angeles	Drug	16	1	6.3%	1	6.3%
	Weapon	8	0	0.0%	0	0.0%
	Subtotal	24	1	4.2%	1	4.2%
Sacramento	Drug	6	0	0.0%	0	0.0%
	Weapon	4	0	0.0%	0	0.0%
	Subtotal	10	0	0.0%	0	0.0%
All	Drug Total	40	2	5.0%	2	5.0%
	Weapon Total	17	0	0.0%	0	0.0%
	Total	57	2	3.5%	2	3.5%

In Tables 6, 7, 8, 9, and 10, we present court participation in those cases filed by either property owners or city attorneys. Where Table 5 describes court participation rates in partially evicting members of a household, Table 6 offers a descriptive analysis of the types of judgments made. Information about type of trial follows in Table 8, and Table 9 describes the number of times tenants prevailed, tenants were represented by counsel, and cases were withdrawn. Finally, Table 10 provides information about appeals and other dispositions. A description of those other dispositions is given in the text.

Though few were requested, all partial evictions were granted by the court (Table 6). Partial evictions comprised 3.5 percent of cases filed in court. All cases where a partial eviction was requested and granted were for drug-related UD notices.

Long Beach and Los Angeles were the only jurisdictions that requested and were granted partial evictions. The single partial eviction in Long Beach represented 4.3 percent of its filed cases, and the single partial eviction in Los Angeles represented 4.2 percent of its filed cases. Sacramento did not request any partial evictions.

* Rows do not account for 100 percent of UD notices. See methods section.

Table 7 – Court UD Activity by Jurisdiction, UD Type, and Type of Judgment*

			Type of Judgment					
			Default Judgment		Stipulated Judgment		Judgment following Trial	
Pilot City	UD Type	# of UD Cases filed by Property Owner or City Attorney	N	%	N	%	N	%
Long Beach	Drug	18	0	0.0%	1	5.6%	2	11.1%
	Weapon	5	0	0.0%	0	0.0%	❖	--
	Subtotal	23	0	0.0%	1	4.3%	2	8.7%
Los Angeles	Drug	16	5	31.3%	9	56.3%	4	25.0%
	Weapon	8	2	25.0%	2	25.0%	1	12.5%
	Subtotal	24	7	29.2%	11	45.8%	5	20.8%
Sacramento	Drug	6	3	50.0%	0	0.0%	1	16.7%
	Weapon	4	1	25.0%	0	0.0%	1	25.0%
	Subtotal	10	4	40.0%	0	0.0%	2	20.0%
All	Drug Total	40	8	20.0%	10	25.0%	7	17.5%
	Weapon Total	17	3	17.6%	2	11.8%	2	11.8%
	Total	57	11	19.3%	12	21.1%	9	15.8%

❖Not reported.

A total of 32 (56.1 percent) UD cases filed received a judgment (Table 7). Some may have been pending at the end of calendar year 2011. Across jurisdictions, a larger percentage of judgments were for drug-related UD notices. The largest percentage of cases filed with the court had a stipulated judgment (21.1 percent), and the smallest percentage had a judgment following trial (15.8 percent).

Within each jurisdiction, Long Beach reported only stipulated judgments (5.6 percent) and judgments following trial (11.1 percent) for drug-related UDs. Los Angeles reported higher rates of each type of judgment for drug-related UDs (default 31.3 percent; stipulated 56.3 percent; default judgment 25.0 percent). Finally, where Sacramento reported a higher rate of default judgments for drug-related UDs (50.0 percent), it reported higher rates of judgments following trial (20.0 percent) and no stipulated judgments for weapon-related notices.

* Rows do not account for 100 percent of UD notices. See methods section. The total judgments for all pilot cities across action type adds up to 32 (see Table 5).

Table 8 – Court UD Activity by Jurisdiction, UD Type, and Type of Trial*

			Type of Trial			
			Trial by Court		Trial by Jury	
Pilot City	UD Type	# of UD Cases filed by Property Owner or City Attorney	N	%	N	%
Long Beach	Drug	18	2	11.1%	0	0.0%
	Weapon	5	1	20.0%	❖	--
	Subtotal	23	3	13.0%	0	0.0%
Los Angeles	Drug	16	4	25.0%	1	6.3%
	Weapon	8	1	12.5%	0	0.0%
	Subtotal	24	5	20.8%	1	4.2%
Sacramento	Drug	6	1	16.7%	0	0.0%
	Weapon	4	1	25.0%	0	0.0%
	Subtotal	10	2	20.0%	0	0.0%
All	Drug Total	40	7	17.5%	1	2.5%
	Weapon Total	17	3	17.6%	0	0.0%
	Total	57	10	17.5%	1	1.8%

❖Not reported.

Each city also reported the number of court or jury trials for each UD type (Table 8). A larger percentage of UD actions went to court trial (17.5 percent) than they did to jury trial (1.8 percent). The only jury trial was for a drug-related UD action in Los Angeles. Los Angeles had the highest rate for drug-related court trials (25.0 percent), and Long Beach had the lowest (11.1 percent). Sacramento reported the highest rate of weapon-related court trials (25.0 percent), and Los Angeles (12.5 percent) had the lowest.

Long Beach reported that a smaller percentage of its drug-related (11.1 percent) cases filed in court went to a court trial than did weapon-related cases (20.0 percent), and there were no drug-related jury trials. Long Beach did not report the number of weapon-related cases that went to jury trial. Los Angeles reported a larger percentage of drug-related cases going to court (25.0 percent) and jury trials (6.3 percent) than it did weapon-related cases. Finally, Sacramento had a larger percentage of weapon cases (25.0 percent) going to court trial than it did drug-related cases (16.7 percent). No cases in Sacramento of either type went to jury trial.

* Rows do not account for 100 percent of UD notices. See methods section. The total trials for all pilot cities across action type adds up to 11 (see Table 5). These are not mutually exclusive categories as they likely have some overlap with type of judgment (see Table 7) among others. It appears that the 11 cases might overlap with the number of judgments following trial (9; see Table 7).

Table 9 – Court UD Activity by Jurisdiction, UD Type, Tenant Prevailing, Representation by Counsel, and Withdrawn Cases*

			Tenant Prevailed		Defendant Represented by Counsel		Case Withdrawn	
Pilot City	**UD Type**	**# of UD Cases filed by Property Owner or City Attorney**	**N**	**%**	**N**	**%**	**N**	**%**
Long Beach	**Drug**	**18**	❖	--	2	11.1%	0	0.0%
	Weapon	**5**	0	0.0%	❖	--	0	0.0%
	Subtotal	**23**	0	0.0%	2	8.7%	0	0.0%
Los Angeles	**Drug**	**16**	1	6.3%	3	18.8%	❖	--
	Weapon	**8**	0	0.0%	0	0.0%	❖	--
	Subtotal	**24**	1	4.2%	3	12.5%	--	--
Sacramento	**Drug**	**6**	0	0.0%	1	16.7%	0	0.0%
	Weapon	**4**	0	0.0%	1	25.0%	0	0.0%
	Subtotal	**10**	0	0.0%	2	20.0%	0	0.0%
All	**Drug Total**	**40**	1	2.5%	6	15.0%	0	0.0%
	Weapon Total	**17**	0	0.0%	1	5.9%	0	0.0%
	Total	**57**	1	1.8%	7	12.3%	0	0.0%

❖Not reported.

Other possible court outcomes include the tenant prevailing, the case being withdrawn, and/or the tenant being represented by counsel (Table 9). In 1.8 percent of the cases filed in court, the tenant prevailed. The single case where a tenant prevailed was for a drug-related UD notice. No cases, once filed in court, were reported being withdrawn, however, Los Angeles did not report if any cases were withdrawn. In 12.3 percent of the cases filed in court, the tenant was represented by counsel. A larger percentage of drug-related UD cases included a tenant being represented by counsel (15.0 percent) than weapon-related cases did (5.9 percent).

The only jurisdiction that reported a tenant prevailing in court was Los Angeles. This single case represented 6.3 percent of Los Angeles' drug-related UD cases filed in court. Long Beach did not report whether or not they had a drug-related UD case where the tenant prevailed. All three jurisdictions reported having tenants represented by counsel for drug-related UD cases (Los Angeles 18.8 percent, Long Beach 11.1 percent, and Sacramento 16.7 percent). Only Sacramento reported a tenant represented by counsel in a weapon-related UD case (25.0 percent), and Long Beach did not report whether or not any tenants were represented by counsel in a weapon-related UD case.

* Rows do not account for 100 percent of UD notices. See methods section. These action types, while a part of court processing, also refer to tenant participation. It appears that 50 tenants were not represented by counsel [(Total number of UD cases filed (57) – those represented by counsel (7)] here.

Table 10 – Court UD Activity by Jurisdiction, UD Type, Appeal, and Other Disposition*

			Appeal		Other Disposition	
Pilot City	UD Type	# of UD Cases filed by Property Owner or City Attorney	N	%	N	%
Long Beach	Drug	18	0	0.0%	0	0.0%
	Weapon	5	0	0.0%	0	0.0%
	Subtotal	23	0	0.0%	0	0.0%
Los Angeles	Drug	16	1	6.3%	1	6.3%
	Weapon	8	0	0.0%	0	0.0%
	Subtotal	24	1	4.2%	1	4.2%
Sacramento	Drug	6	0	0.0%	2	33.3%
	Weapon	4	0	0.0%	2	50.0%
	Subtotal	10	0	0.0%	4	40.0%
All	Drug Total	40	1	2.5%	3	7.5%
	Weapon Total	17	0	0.0%	2	11.8%
	Total	57	1	1.8%	5	8.8%

Table 10 presents the remainder of the mandated court-related information. There was only one appealed UD action, and it represents 1.8 percent of all UD cases that went to court. This single UD appeal was for a drug-related UD notice and was pending decision at the end of calendar year 2011. Other dispositions represent 8.8 percent of all UD cases filed with the court; other dispositions represent 7.5 percent of drug-related UD cases and 11.8 percent of weapon-related UD cases.

Long Beach reported zero appeals or other dispositions for both types of UD cases. For drug-related filings, Los Angeles reported a single appeal, and that appeal represents 6.3 percent of its drug-related UD cases filed. Los Angeles also reported on other dispositions that represent 6.3 percent of the drug-related UD cases filed there. In Sacramento, no cases were appealed, but 33.3 percent of its drug-related UD cases filed and 50.0 percent of its weapon-related cases filed had other dispositions. Descriptions of those other dispositions include the following explanations:

- A motion for summary judgment for a medical marijuana dispensary case where the tenant prevailed (Los Angeles).
- A motion for summary judgment (Sacramento).
- One tenant moved after being served with a UD complaint (Sacramento).

It remains unclear how to account for the remaining cases filed; the number of judgments and other outcomes do not add up to the number of cases filed in each jurisdiction. Future data reporting should clearly account for all dispositions in mutually-exclusive and exhaustive categories.

* Rows do not account for 100 percent of UD notices. See methods section.

Tenant Response

Beyond city-attorney, property-owner, and court-related participation, tenants participate after, and sometimes prior to, being served UD notices. Tenant participation may be indicated by their voluntarily vacating a property before being served a UD notice or by their vacating a property after being served a UD notice. While the former may be unrelated to the UD notice, the latter implies that the UD notice may have influenced them to leave.[*] Unclear from reported data are the number of tenants who ignore UD notices, who might have been incarcerated, or who died before or after the UD notice was served; little information about tenants is reported, or, if it is, is verifiable.

Table 11 illustrates the vacate rate of tenants before and after receiving a UD notice. Overall, 17.9 percent of those who were sent a UD notice vacated prior to the notice being served and 26.0 percent moved after. While drug-related UD actions had the highest rate of tenants vacating prior to being noticed (19.1 percent), weapon-related UD actions did for tenants vacating after being noticed (29.3 percent).

Table 11 – UD Activity by Jurisdiction, UD Type, and Tenant Decisions to Vacate Before and after Being Served a UD Notice[†]

			Vacate Before UD Notice		Vacate After UD Notice	
Pilot City	**UD Type**	**# UD Notices Sent**	**N**	**%**	**N**	**%**
Long Beach	**Drug**	**62**	9	14.5%	17	27.4%
	Weapon	**13**	0	0.0%	4	30.8%
	Subtotal	**75**	9	12.0%	21	28.0%
Los Angeles	**Drug**	**106**	20	18.9%	25	23.6%
	Weapon	**19**	4	21.1%	5	26.3%
	Subtotal	**125**	24	19.2%	30	24.0%
Sacramento	**Drug**	**26**	8	30.8%	7	26.9%
	Weapon	**9**	1	11.1%	3	33.3%
	Subtotal	**35**	9	25.7%	10	28.6%
All	**Drug Total**	**194**	37	19.1%	49	25.3%
	Weapon Total	**41**	5	12.2%	12	29.3%
	Total	**235**	42	17.9%	61	26.0%

For tenants vacating after being noticed, Sacramento (30.8 percent) reported the highest rate for drug-related UD notices, and Long Beach (14.5 percent) reported the lowest rate. No Long Beach tenants vacated prior to being served with a weapon-related UD notice; Los Angeles (21.1 percent) reported the highest vacate rate for weapon-related UD actions before being served the notice. The highest rate of vacating after being served a drug-related UD notice

[*] It is also possible that filing actions in court may have influenced some to leave.

[†] Rows do not account for 100 percent of UD notices. See methods section. The number of tenants accounted for here is 103 [(Vacate before notice (42) + Vacate after notice (61)]). Assuming that adding this number (103) to the number of cases pending (27; see Table 2) should account for all of the 235 notices sent, it appears that there were only 130 tenants sent notices. This is possibly because multiple tenants were noticed for a single address. To measure precisely how city attorney UD noticing works would require more information.

was in Long Beach (27.4 percent) and lowest was in Los Angeles (23. 6 percent). Weapon-related UD notices demonstrate a similar pattern with Long Beach (30.8 percent) reporting the highest rate post-notice vacating and Los Angeles (26.3 percent) reporting the lowest rate.

Conclusion

For over a decade city attorneys in participating jurisdictions have been able to initiate and file Unlawful Detainer (UD) actions in lieu of landlords doing so.[*] Participation in the UD program includes city attorneys' decisions to serve notices, the responses of landlords and tenants to the notices that are served, and the courts' decisions in cases where notices are filed or contested. From a fiscal perspective, a cost-effective UD program would process nuisance tenants with little cost to city attorneys and the courts; less involvement of city attorneys and court actors would equal lower costs.

We asked, how do UD actors participate in the UD process? We find that per 100,000 people, Long Beach made the most intensive use of the UD program during 2011. Landlords directly respond (i.e., filing the action and proceeding with good faith) to city attorney UD notices at a higher rate for weapon-related (41.5 percent) UD actions. Also, a larger percentage of weapon-related (41.5 percent) UD actions made it to court than drug-related (20.6 percent) actions did. While drug-related UD actions had the highest rate of tenants vacating prior to being noticed (19.1 percent), weapon-related UD actions for tenants vacating after being noticed (29.3 percent) did.

Missing from the mandate is reference to biographic information about tenants and property owners, neighborhood crime information, and information about tenants' criminal activities after they leave. Further, while mandated, data about where tenants live after they vacate are unavailable or not verifiable and are excluded from analysis in this report.

Missing from this report also is a clear accounting of how all UD notices were resolved (or pending resolution). For instance, we might expect that the number of cases filed by the city attorney, the number of cases filed by the landlord, cases where the tenant moved before the UD notice was served, cases where the tenant moved after the UD notice was served, notices sent in error, and pending cases might add to the total number of UD notices served (Table 2). But they do not.

Using only the reported data limits a more robust analysis of the UD program. For example, while it may appear that all of the weapon-related UD actions with a direct response from landlords (41.5 percent) are the same cases as the weapon-related UD actions that made it to court (41.5 percent), we have no way of knowing if they are. In addition, reported information includes 11 trials (see Table 8), but there were only 9 judgments after trial (see Table 7). It might be that the two unaccounted for cases were pending at the time the data were reported. Further, accessing reliable information about tenants' activities would allow CRB to estimate the effects of UD notices on tenants' behaviors. CRB would need access to individual-level data to provide a broader understanding of the UD program and know the relationships among city attorney, landlord, court, and tenant activity.

In a future report we will analyze the association between city-attorney-sponsored UD noticing and community nuisance levels using quantitative data from the Sacramento Police

[*] See Assembly Bill 530 (Krekorian, chapter 244, 2009).

Department. The impact of the UD program on city police departments is a potential benefit. Assuming that there is more police activity in communities with UD actions, evicting a nuisance tenant from that community may decrease the number of times residents call city police to the area and the costs associated with answering those calls. The cost to police departments may decrease even as the community is safer.