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A Review of the Unlawful Detainer Pilot Program

2023 Update

August 2023

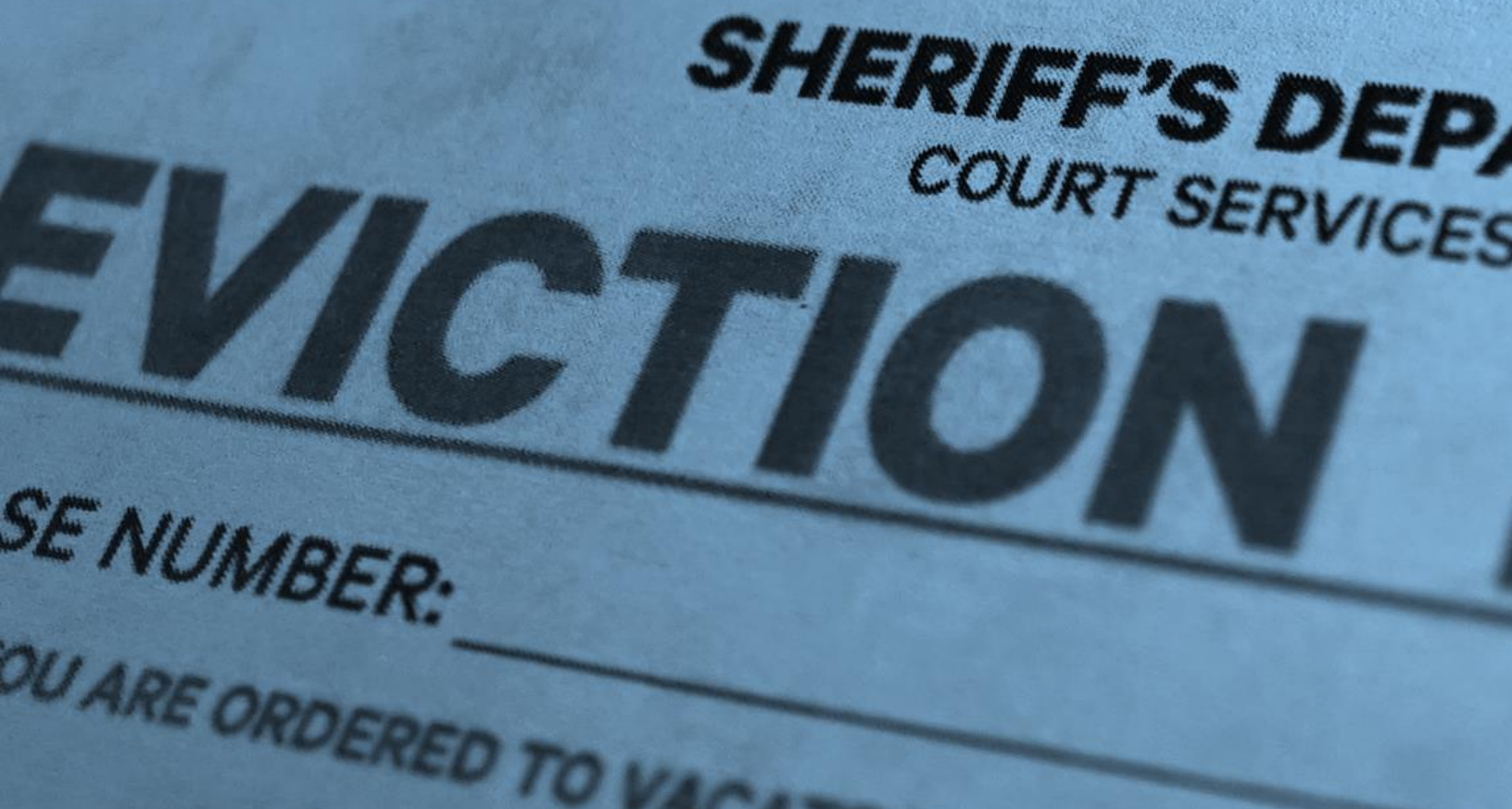


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California Civil Code 3485, 3486 and 3486.5 (as amended by Statutes 2018, Chapter 880)

Acknowledgements

The author wishes to thank the City Attorney's Offices of Long Beach, Los Angeles, Oakland, and Sacramento for their time in providing the data that informs this report. CRB staff members Sumeet Bedi and Ngan Tran provided valuable assistance, and Britnee Pannell contributed the Census maps in Appendix D to this report.

This report was mandated by California Civil Code 3485, 3486 and 3486.5 (as amended by Statutes 2018, Chapter 880).

Recommended Citation:

Martin, Pamela. "A Review of the California Unlawful Detainer Pilot Program: 2023 Update." California Research Bureau, California State Library, August 2023.

ISBN 1-58703-294-5

Executive Summary

The California Unlawful Detainer Pilot Program authorizes the city attorneys of Long Beach, Los Angeles, Oakland, and Sacramento to initiate eviction cases against tenants arrested on illegal drugs or weapons charges. Normally, such evictions are filed by property owners or managers, but this pilot program authorizes city attorneys to intervene to either protect property owners (who might fear retaliation from tenants) or compel negligent and absent property owners to take action.

The four pilot program cities reported a total of 70 unlawful detainer incidents between 2019 and 2021. Of these, 29 were resolved when the tenant vacated the property before legal action could be taken. Eighteen incidents were ultimately filed in court.

Emergency policies in response to the COVID-19 pandemic impacted the program. City attorneys were obliged to factor in emergency moratoria that temporarily banned most residential evictions. Long

Beach appears to have used the state program sparingly, while Oakland and Sacramento reported no new unlawful detainer cases in 2021.

Between 2019 and 2021, 71% of tenants subject to unlawful detainer notices were racial minorities, compared to 69% last cycle.

As has been the trend in previous years, almost all unlawful detainers that advanced to court were filed by landlords rather than assigned to city prosecutors.

This is the 10th legislative report on the pilot program, and the final update before AB 2930 sunsets in January 2024. The findings mirror those of previous reports. There are two major constraints: (1) program data is insufficient, and (2) it is unknown whether actual crime reduction occurs. However, the program appears to be efficient and cost-effective with regard to nuisance abatement on the site of target properties.

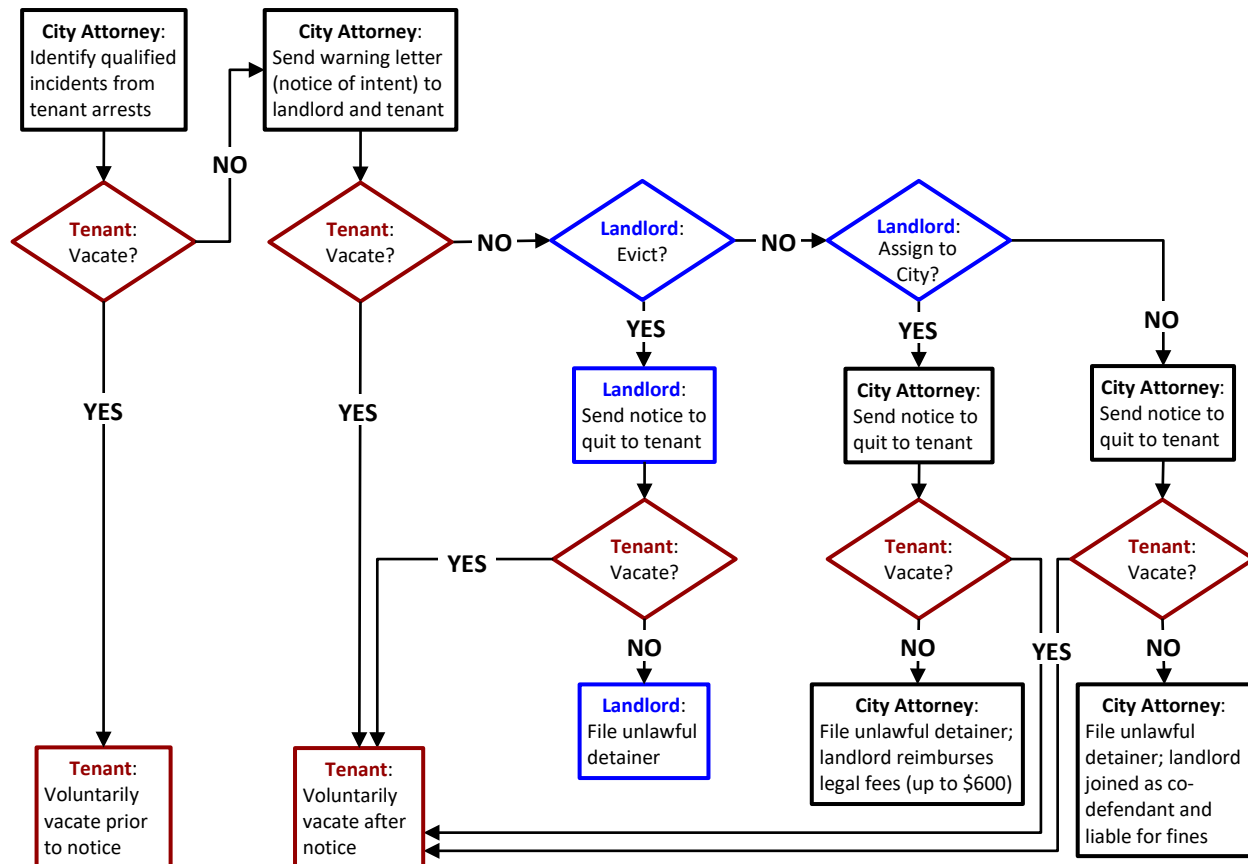
A History of the Unlawful Detainer State Pilot Program

Residential lease agreements are private contracts between property owners or managers and their tenants. *Unlawful detainer* actions are lawsuits filed by landlords to evict tenants, whether due to expired leases or a breach of the leasing contract (such as nonpayment of rent).

Until 1998, only property owners and managers could pursue tenant eviction actions.¹ Assembly Bill 1384 (Stats. 1998, Ch. 613) introduced the Unlawful Detainer Pilot Program, authorizing court jurisdictions in Los Angeles County to initiate unlawful detainers, in the name of the people, against tenants for nuisance behavior related to illegal substances.² Bill sponsors argued that when landlords do not “evict tenants engaged in drug-related activity primarily due to fear of retaliation,” the neighborhood may suffer from the unlawful activities of one nuisance tenant. Giving city attorneys the right to directly initiate unlawful detainers provides cover from retaliation to landlords or tenant neighbors who report criminal activity.³

AB 1384 also allowed for *partial eviction*, which orders the removal of any person in a tenant property that “commits or permits any illegal drug activity or drug-related nuisance within 1,000 feet of a building,” while allowing other tenants to remain. The tenant removed from the property may be permanently barred from returning; the remaining tenants shall not give permission for that person to re-enter the property.⁴

Figure 1. General process to eviction under the California Unlawful Detainer Pilot Program



The Unlawful Detainer Pilot Program has undergone several revisions since 1998 (see Appendix A for a legislative history).

- Other jurisdictions were authorized to join the first cities (Long Beach and Los Angeles), although ultimately only two agreed to participate (Oakland and Sacramento).
- In 2007, AB 1013 (Stats. 2007, Ch. 456) added unlawful possession or use of illegal weapons as a qualifying nuisance behavior. The initial illegal substances program is codified as Civil Code Sections 3486 and 3486.5, while the later illegal weapons program became Civil Code Section 3485.⁵

Although the two programs—controlled substances and illegal weapons—are technically separate, all legislative reports (including the present report) treat both as aspects of the same program because the unlawful detainer procedures are the same.⁶

Throughout the Unlawful Detainer Pilot Program, the general eviction process has remained unchanged⁷ (see Figure 1). City attorney offices review cases to determine which qualifying incidents to pursue under state law—though the review process tends to vary between cities. Prior to filing an action, the city attorney sends a written notice to the owner, requiring them to file an unlawful detainer action on their tenant for reasons specified. The owner has 15 days to comply, or to cede responsibility for an unlawful detainer action to the city attorney’s office. If the latter, the city attorney’s office issues written notices of intent to evict to both tenant and property owner, with information on the suspected violation. Tenants are given contact information to obtain legal assistance to contest the eviction. The city attorney may then send a notice to quit to the tenant or, in the event the property owner takes no required action, may join the property owner to the tenant as co-defendants in a court case.⁸ At any time, a tenant may voluntarily vacate and end the legal process, even before receipt of notice.⁹

City attorney offices are required to maintain specified records of all actions related to the Unlawful Detainer Pilot Program and annually file copies to be analyzed on behalf of the Senate and Assembly Judiciary committees. The first four such analyses were written by the Judicial Council. AB 530 (Stats 2009, Ch. 244) transferred responsibility to the California Research Bureau at the California State Library.

Since its inception in 1998, the Unlawful Detainer Pilot Program has been extended five times. The latest bill, AB 2930 (Stats 2018, Ch. 880) extended the pilot program to January 1, 2024, requiring the Research Bureau to submit progress reports in March 2021 and March 2023.¹⁰ This 2023 Update is the sixth report by the Research Bureau, and the 10th report in total. AB 2930 will sunset in January 2024. Unless the pilot program is renewed, this 2023 Update will be the final report.

Program Participation

Four cities currently participate in the Unlawful Detainer Pilot Program: Long Beach and Los Angeles (since the program began in 1998), Oakland (since 2015) and Sacramento (since 2008 for the illegal weapons program and since 2010 for controlled substances). The authorization for Long Beach lapsed in 2015 from an oversight in the urgency bills that extended the pilot programs,¹¹ but this oversight was corrected with the 2018 extension.

On March 4, 2020, Governor Gavin Newsom declared a state of emergency due to the COVID-19 pandemic. Executive Order N-28-20, issued March 16, 2020, was a moratorium that required local jurisdictions to halt tenant evictions due to economic distress suffered from the pandemic. Many California cities passed emergency ordinances of their own, imposing temporary bans on residential evictions for nonpayment of rent.¹² The state eviction moratorium expired September 30, 2021.

In their 2021 updates, all cities except Los Angeles reported a decline in numbers of unlawful detainer incidents (see Table 1 and Appendix B).

Long Beach

The number of unlawful detainer incidents in Long Beach has decreased steadily since peaking at 135 in 2007. In 2021, only four incidents were reported, with one being resolved as a voluntary vacate. Two cases were filed in court, both by the owner of the property; one case was adjudicated, and one case was pending as of the end of 2021.

Los Angeles

Los Angeles reported 11 unlawful detainer incidents in 2021. Most of the incidents involved illegal weapons, with two involving both weapons and drug-related nuisances. Six unlawful detainer incidents were filed in court, all by the property owners. Three of these cases were adjudicated.

Oakland

Only one unlawful detainer incident was reported by Oakland in 2021—an incident that originated in 2018 and was counted in 2019, 2020, and 2021. The tenants in the case had signed a stipulation that they would move out on a date in 2020 but reneged. When the pandemic and the subsequent eviction moratorium occurred in March 2020, it slowed down the process. The owner filed a case with the court in November 2021 that is still pending. Oakland anticipates it will have few if any new actions in 2022; it has all but ceased initiating new actions while it assesses its internal process for discriminatory practices.¹³

Sacramento

Due to the pandemic and subsequent tenant moratorium, the Sacramento City Attorney's Office interpreted its municipal ban to reject the five unlawful detainer incidents initiated in 2020.¹⁴ Continuing the policy, Sacramento law enforcement referred no unlawful detainer incidents to the City Attorney's Office in 2021.¹⁵ Sacramento anticipates having no unlawful detainers to report for 2022 as well.¹⁶

Voluntary Vacates

Voluntary vacate describes a situation in which a tenant leaves their residence after receiving an eviction notice or after an eviction case is filed in court, but before the case is resolved. In 2018 and 2019, 64% of the unlawful detainer incidents ended with the tenants voluntarily vacating the premises (56 out of 88 incidents). The voluntary vacate rate plummeted to 11% in 2020 (2 out of 18 incidents), when the pandemic caused many actions to be abandoned or suspended.

In 2021, Long Beach reported one voluntary vacate out of four incidents, which occurred after notice to vacate. Los Angeles reported four voluntary vacates out of eleven incidents—two occurred before notices were sent; two occurred after. It is clear that the tenant eviction moratorium in 2020 caused many actions to be abandoned or suspended, resulting in a drop in vacates (see Table 1).

Table 1. Total unlawful detainer incidents, voluntary vacates, and unlawful detainer cases, 2019-2021

	Long Beach			Los Angeles			Oakland			Sacramento			All Cities		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
Total Incidents	17	11	4	2	1	11	2	1	1	15	5	0	36	18	16
Controlled Substances	8	4	1	-	-	-	1	1	1	6	2	0	15	7	2
Illegal Weapons	2	5	0	0	0	9	1	0	0	9	3	0	12	8	9
Both Nuisances	7	2	3	2	1	2	0	0	0	0	0	0	9	3	5
Total Voluntary Vacates	14	2	1	1	0	4	1	0	0	6	0	0	22	2	5
(% of Total Incidents)	82%	18%	25%	50%	0%	36%	50%	0%	0%	40%	0%	0%	61%	11%	31%
Before Notice	4	0	0	-	-	2	0	0	0	2	0	0	6	0	2
After Notice	10	2	1	1	0	2	1	0	0	4	0	0	16	2	3
Notice to Quit	6*	3*	2*	1	1	7	1	-	-	3	0	0	11	4	9
Unlawful Detainer Cases	1	1	2	1	1	6	1	1	1	3	0	0	6	3	9
(% of Total Incidents)	6%	9%	50%	50%	100%	55%	50%	100%	100%	25%	0%	0%	18%	17%	48%
Owner Filed	1	1	2	0	0	6	1	1	1	3	0	0	5	2	9
City Attorney Filed	0	0	0	1	1	0	0	0	0	0	0	0	1	1	0
Adjudicated	1	0	1	1	1	3	0	0	0	0	0	0	2	1	4
Other Resolutions	0	7	2	1	0	0	0	1*	1*	5	5*	0	6	13	2
(% of Total Incidents)	0%	64%	40%	50%	0%	0%	0%	100%	100%	42%	100%	0%	18%	72%	13%

Note: Voluntary vacates, notices to quit, and unlawful detainer case filings do not always add up to the number of total incidents because of the different data collection methods used by each office, the unknown status of certain incidents, and the dynamic eviction process. Most data on notices to quit are unknown.

Notice to Quit

Before a building owner or manager may begin an eviction case in court, they must issue a written Notice to Quit that details the reason for planned eviction and how much time the tenant has before court proceedings begin.

Long Beach reported two unlawful detainer incidents in 2021 that included a Notice to Quit. In one case, the tenants voluntarily vacated after receiving the Notice to Quit. In the second case, the tenant indicated they plan to dispute the case in court.

Los Angeles reported seven incidents in 2021 that included a Notice to Quit. All were issued by the landlords. One Notice to Quit was followed by a voluntary vacate; the rest proceeded to court.

Tenant Demographics

Two bills reauthorizing the Unlawful Detainer Pilot Program in 2014 (AB 2310 and AB 2485) mandated each recorded incident include tenant age, race, address, and prior arrest and eviction records.¹⁷

Table 2 illustrates the demographics of tenants sent eviction notices between 2019 and 2021. A total of 122 tenants received eviction notices in this three-year period. Over two-thirds (70%) of these tenants were non-white, which is largely in keeping with previous years.

Table 2. Noticed tenants by race and prior history, 2019-2021

	Long Beach			Los Angeles			Oakland			Sacramento			All Cities		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
Total Tenants	21	16	12	4	2	11	2	1	1	31	10	0	58	29	24
White	6	5	8	0	0	2	0	0	0	6	3	0	12	8	10
% of Total Tenants	33%	31%	67%	0%	0%	18%	0%	0%	0%	19%	30%	0%	21%	28%	42%
Black	3	7	4	3	2	3	2	0	0	6	4	0	14	13	7
Hispanic	8	2	0	0	0	6	0	0	0	12	2	0	20	4	6
Asian/Pacific Islander	0	2	0	0	0	0	0	0	0	6	1	0	6	3	0
Other	4	0	0	0	0	0	0	1	1	0	0	0	4	1	1
Non-White Subtotal	15	11	4	3	2	9	2	1	1	24	7	0	44	21	14
% of Total Tenants	83%	69%	33%	75%	100%	82%	100%	100%	100%	77%	70%	0%	76%	72%	58%
Unknown	0	0	0	1	0	0	0	0	0	1	0	0	2	0	0
Previous Vacates	2	0	4	–	–	–	–	–	0	–	–	–	2	0	4
Previous Arrests	0	7	0	–	–	–	1	0	0	–	–	–	1	7	0

In 2019, 76% of noticed tenants were non-white, and in 2020, that percentage fell to 72%. However, in 2021, the number of non-white tenants receiving notices fell to 58%. The number of white tenants rose from a low of 21% in 2019 to a high of 42% in 2021.

Of the five race categories captured in the program’s demographics, Black tenants received the greatest number of unlawful detainer notices (34), followed by White and Hispanic (30 each), Asian/Pacific Islander (9) and Other (6). During the three-year period, Long Beach reported that six tenants receiving notices had a record of previous vacates of other properties, and seven had previous arrests. Oakland reported one previous arrest. Los Angeles and Sacramento did not report numbers. See Appendix C for maps depicting Census block groups overlaid with the unlawful detainer actions initiated in each pilot program city between 2019 and 2021.

Table 3. Five-year estimate of renter-occupied housing units by race and Hispanic or Latino origin, 2021

	Long Beach		Los Angeles		Oakland		Sacramento	
White	46,472	35%	391,236	34%	32,930	29%	43,363	39%
Black	17,744	13%	107,716	9%	27,263	24%	17,701	16%
Hispanic/Latino origin	39,706	30%	359,577	31%	21,149	19%	25,040	22%
Asian/Other	29,805	22%	300,256	26%	30,840	27%	26,056	23%
Total households	133,727		1,158,785		112,182		112,160	

Source: U.S. Census Bureau, American Community Survey 2021: 5-Year Estimates. Percentages may not add up to 100 due to rounding. Note that the Census Bureau construes “Hispanic or Latino origin” as an ethnic rather than racial category.

Misdemeanor arrests in pilot program counties by race, 2017-2021

	Misdemeanor Arrests, Total						Drug Felony Arrests, Total					
	Los Angeles County		Alameda County		Sacramento County		Los Angeles County		Alameda County		Sacramento County	
Total Arrests	753,855	–	119,332	–	96,286	–	30,447	–	4,333	–	5,889	–
White	161,846	21%	33,213	28%	42,529	44%	6,371	21%	1,168	27%	2,166	37%
Black	147,789	20%	37,942	32%	26,931	28%	6,014	20%	1,586	37%	1,695	29%
Hispanic	404,920	54%	35,011	29%	18,840	20%	16,505	54%	1,136	26%	1,174	20%
Asian/Other	39,300	5%	13,166	11%	7,986	8%	1,557	5%	443	10%	854	15%
Non-White	592,009	79%	86,119	72%	54,557	57%	24,076	79%	3,165	73%	3,723	63%

Source: [California Department of Justice](#). Percentages may not add up to 100 due to rounding. Some of the most common illegal weapons charges in California are misdemeanors, such as possession without a permit, but illegal weapons charges can also be felonies.

Table 3 is a five-year estimate of rental households provided by the Census Bureau, provided here in order to compare the demographics of noticed tenants to the general population. Between 2017 and 2021, approximately two-thirds of all rental households in Long Beach, Los Angeles, Oakland, and Sacramento were occupied by non-white renters. However, the percentage of Black households ranged from 9% to 24%, far lower than the percentage of Black noticed tenants (see Table 3).

The California Research Bureau cannot determine whether nuisance evictions under the state pilot program have been unfairly applied to tenants of color more than evictions through other

devices. Discrimination (or disparate treatment) requires intention, while disparate impact requires proof that non-white tenants have been targeted more adversely than white tenants. Two issues continue to complicate the intentionality of the process: (1) One nuisance tenant may adversely affect all tenants of a property, and (2) police officers refer cases and city attorney offices select them, which means there are at least two levels of decision-makers. As in previous reports, percentages continue to show that unlawful detainers have been directed at non-white tenants more than at white tenants overall, though at similar rates to the share of non-white renters.

A more nuanced analysis might consider total numbers of incidents referred (and rejected) rather than just initiated. Confounding variables, such as the numbers of renters and arrests within each city for context, also make statistical conclusions based on just the reported data questionable.

Overall Use Trends Since Inception

Since 1999, the year data was first gathered for the Unlawful Detainer Pilot Program, the number of incidents in Long Beach and Los Angeles has gradually declined. Historically, the highest number of incidents in Long Beach was 135 in 2007, and 277 in Los Angeles in 2003. Sacramento, which began the program in 2008, dropped from a high of 38 incidents in 2010, to a pre-pandemic low of 15 in 2019. Oakland, joining the program in 2015, started with 10 incidents the first year, and dropped to two in 2019. As stated previously, the tenant moratorium reduced the numbers in 2020 and 2021 (see Appendix B).

Drug/Weapon Comparisons

The vast majority of nuisance charges since 1999 have involved controlled substances. Drug-related unlawful detainers made up 91% of all incidents in the four cities. (This percentage may not reflect all incidents, because Los Angeles was not required to submit controlled substances data to the state after 2013.) Six percent of all charges were for illegal weapons and 5% involved both drugs and weapons.

Voluntary Vacates

A common response to an unlawful detainer notice is a tenant voluntarily moving out of the premises. Prior to the pandemic and the March 2020 tenant eviction moratorium, most noticed tenants in Long Beach and Oakland (53% each) opted to voluntarily vacate. Sacramento's rate of voluntary vacates was 49%, and Los Angeles's rate was 45%. As stated previously, the tenant moratorium reduced the number of unlawful detainer incidents (and subsequent eviction notices) in 2020 and 2021.

Case Filings

Of the 567 unlawful detainer incidents that advanced to being filed in court, 77 (14%) were filed by a city attorney's office; the rest were filed by the property owner or manager. Oakland has not yet had a case filed by the city. See Appendix B for case filings by year.

Program Implementation and Effectiveness

As part of its mandate, the California Research Bureau is required to assess the merits of the unlawful detainer program.¹⁸ While “merit” was not explicitly defined in legislation, certain measures were included, which the Research Bureau has been addressing in each analysis since its first report.¹⁹ In general, the Legislature seeks to understand three aspects of the unlawful detainer program:

- 1) How often is the program used and what are the outcomes of unlawful detainer actions?
- 2) What effects do unlawful detainer actions have on deterring and eliminating crime?
- 3) Is the program necessary to help police and city attorneys remove criminals from neighborhoods?

Frequency of Use and Outcomes

Each city in this program has different selection procedures. In both Long Beach and Los Angeles, most actions are initiated by city attorneys, who select the most egregious cases after a systematic review of arrest records. (Some cases are police referrals).²⁰ Although each attorney uses their own judgment, a general principle is to only initiate unlawful detainer if a nuisance has an impact on the rest of the rental building property.

In Oakland, either the community response police officers or residents themselves bring cases to an intake attorney, who conducts a preliminary evaluation. If cases meet the criteria, they are then referred to the supervising attorney for action.²¹

In Sacramento, police officers submit criminal nuisances to city attorneys after other troubleshooting methods have failed; unlawful detainers are initiated after two levels of review concur.²²

The vast majority of unlawful detainer actions result in a tenant vacating the property, whether voluntarily or as the result of a court judgment. The pilot program is therefore effective in terms of desired outcomes, but the success rate could reflect the pressure put to bear by the property owners or the police.

City attorneys and police departments have stated in previous reports that the program is cost-effective due to the high number of voluntary vacates and the relatively quick turnaround for resolution. By contrast, the prosecution costs of an eviction lawsuit can require hundreds of hours of police investigation, documentation, court appearances and attorney preparation over several months.²³ If more of these sorts of unlawful detainers begin to progress to court, or if more tenants begin to fight their cases, then expenses could increase.²⁴

Nuisance Abatement and Crime Deterrence

For city attorney offices and police departments, the main incentives for participating in this pilot program are to (1) help eliminate localized drug dealing or gang activity, and (2) motivate property owners and managers to abate related nuisances on their properties.²⁵ Two potential outcomes from nuisance evictions are either crime diffusion or simple crime displacement.²⁶ While evictions may “clean up” the property by removing a nuisance, those who caused the nuisance must then relocate. They might simply continue their behaviors in another building, or on the street.

Evaluating crime reduction or displacement would require measuring crime levels within a target neighborhood before and after an eviction, but only correlation rather than causation would be demonstrated as other factors are potentially responsible, especially given the relatively small number of unlawful detainer actions.

The Los Angeles City Attorney’s Office points out that gangs are territorial; evicted tenants who are gang members would likely remain within the same geographic area.²⁷ The Sacramento City Attorney’s Office argues that, even though displacement may be just a half-measure, a nuisance eviction still provides immediate relief for a neighborhood.²⁸

Nuisance abatement evictions as a policy touch upon public safety, policing tactics, and housing insecurity issues. Nuisance ordinances, also known as crime-free housing ordinances, have come under increasing scrutiny by the media, policy advocacy groups, legal scholars, and social scientists as such ordinances become widespread across the country.²⁹ The common criticisms are that nuisance eviction ordinances are racially unjust, exacerbate poverty and homelessness and, in some cases, are induced by gentrification.

One major concern of critics is the greater discretionary power afforded to the police.³⁰ Although city attorneys make the final judgments in California’s Unlawful Detainer Pilot Program, police officers arrange the referrals in at least two cities. The fact that budget and staffing shortfalls to police departments had affected program use in the past for Los Angeles and Sacramento reveals how critical the police are to the process in those two cities.³¹ It is unclear what criteria police officers use to determine which incidents to refer to city attorneys.³²

Organizations such as the Western Center on Law & Poverty and the National Rifle Association have objected to the pilot program for due process concerns.³³ In *Cook v City of Buena Park* (2005), the California Court of Appeal compared the state program to a municipal nuisance eviction ordinance, which it struck down as unconstitutional and implied that nuisance eviction programs must have some minimum parameters for due process, and not solely based on suspicion.³⁴

Necessity of the State Pilot Program

All participating cities have adopted local nuisance eviction ordinances that allow their city attorneys to initiate unlawful detainers.³⁵ Los Angeles and Oakland have received media coverage for their ordinances; both municipal ordinances arguably emanate from the state program.³⁶ The local codes also share certain similarities with the state version: for example, the Oakland ordinance also allows for partial evictions.³⁷ Cities could choose to rely on local ordinances to enforce unlawful detainers, which would make the state pilot program obsolete.³⁸

Discussion

This 2023 update is the sixth report by the California Research Bureau, and the 10th report in total since the pilot program started in 1998. The findings mirror those of previous reports. There are two major constraints: (1) program data is insufficient, and (2) it is unknown whether actual crime reduction occurs.

Every report has remarked on the need for more complete data to adequately assess the merits of the program. The main issue is that participating jurisdictions record different information, and rarely the full set of items mandated in statute. In most cases, the data is not readily available (particularly prior tenant histories), though the informational items seem pertinent to the process of selecting which tenants to pursue for unlawful detainer.

The governing code sections initially reference the general eviction process detailed in the Code of Civil Procedure §1161, but then focuses on language requirements for the notice of intent sent to tenants and data fields reported to the California Research Bureau. The language requirements underscore that eviction proceedings could be started by the city rather than the building owner or manager, and include provision of a list of legal assistance providers to mitigate due process concerns. The codes do not stipulate any other specific administrative processes, leaving each city attorney's office to track and report how it uses the state unlawful detainer process in disparate fashion.

Some cities, for example, list actions per address, as eviction cases focus on reclaiming landlord property and filed against all tenants of an address, while others report actions per tenant, since nuisance charges are made against individuals and the demographic details of each tenant are required for the program. A single property could comprise multiple tenants of different racial backgrounds, as well as multiple tenants possibly charged for different nuisances. As has been mentioned in previous reports, the counts of case filings and voluntary vacates might not accurately represent the total number of incidents, or the number of offending tenants and their specific offenses.

Conclusion

AB 2930 extended the Unlawful Detainer Pilot Program to 2024. The program will have been in effect for 25 years. Because the program is slated to sunset January 2024, this will be the last report. As of the time of publication, the California Legislature had not indicated whether it is inclined to expand or terminate this program.

Eviction moratoria during the height of the COVID-19 pandemic greatly affected unlawful detainer actions among the four cities. Los Angeles and Long Beach reduced the number of unlawful detainer actions, while Sacramento and Oakland ceased initiating any new actions and indicated they will probably not have actions to report in 2022. Oakland is assessing its internal process for discriminatory practices.

In spite of the declining number of unlawful detainer actions in recent years, city attorneys from each participating city have consistently informed the California Research Bureau that this type of unlawful detainer action remains a useful instrument in their efforts to deter criminal activities and involve property owners in their communities. City attorneys assert that the limited use of the program stems from an awareness of the potential for abuse and resulting prudence in selecting which incidents to pursue. They believe the unlawful detainer program remains useful as a tool of last resort.

Appendix A. Legislative Chronology of Unlawful Detainer Pilot Program

Bill	Nuisance Type and Code	Qualifying Offense	Authorized Jurisdictions	Reporting	Sunset Date
AB 1384 1998 Ch. 613 (Havice)	Controlled substances Add: Health & Safety Code §11571.1	Sufficient documentation	5 Los Angeles County Courts – out of 15 eligible cities, only Long Beach and Los Angeles participated	Judicial Council: Summarize submitted data and evaluate merits of pilot program, included drug type	Jan. 1, 2002
AB 815 2001 Ch. 431 (Havice)	Controlled substances Amend: Health & Safety Code §11571.1	Documented by peace officer	5 Los Angeles County Courts – only Long Beach and Los Angeles participated	Judicial Council: Required data from cities changed; Responsibility for submitting data shifted from courts to city attorneys	Jan. 1, 2005
AB 2523 2004 Ch. 304 (Frommer)	Controlled substances Amend: Health & Safety Code §11571.1	Arrest report or other action by regulatory or law enforcement agency	Long Beach Los Angeles Oakland (did not participate) San Diego (did not participate)	Judicial Council: Required data from cities changed; Report program merits in 2007 and 2009	Jan. 2010
AB 1013 2007 Ch. 456 (Krekorian)	Illegal weapons Add: Civil Code §3485	Arrest report or other law enforcement report	Long Beach (skips 2008) Los Angeles Oakland (did not participate) Sacramento San Diego (did not participate)	Judicial Council: Report program merits in 2009 (Long Beach unaware of eligibility and did not report 2008 data)	Jan. 2010
AB 530 2009 Ch. 244 (Krekorian)	Controlled substances and illegal weapons Replace: Civil Code §3486 for Health & Safety Code §11571.1 Amend: Civil Code §3485	Arrest report or other law enforcement report	Long Beach Los Angeles (drugs program authorized indefinitely) Oakland (did not participate) Palmdale (drugs program only, did not participate) Sacramento San Diego (did not participate)	California Research Bureau: Report program merits in 2011 and 2013 and determine if Los Angeles qualified for indefinite authorization (Los Angeles no longer submits drug incident data)	Jan. 2014 (except Los Angeles)
AB 1838 2010 (Berryhill)	Controlled substances and illegal weapons	Arrest report	San Joaquin County	California Research Bureau: District attorney to submit data by end of 2011	Jan. 2012 (VETOED)
AB 2310 2014 Ch. 339 (Ridley-Thomas)	Illegal weapons Amend: Civil Code §3485	Arrest or warrant from law enforcement	Long Beach Los Angeles Oakland Sacramento	California Research Bureau: New reporting template; Report program merits in 2016 and 2018	Jan. 2019
AB 2485 2014 Ch. 341 (Dickinson)	Controlled substances Add: Civil Code §3486.5 Amend: Civil Code §3486	Arrest report	Oakland, Sacramento	California Research Bureau: New reporting template; Report program merits in 2016 and 2018	Jan. 2019
AB 2930 2018 Ch. 880 (Santiago)	Amend: Civil Code §3486	Arrest report	Re-authorize Long Beach	California Research Bureau: New reporting template; Report program merits in 2021 and 2023	Jan. 2024

Appendix B. Unlawful Detainer Program Incidents and Voluntary Vacates

Total unlawful detainer program incidents and voluntary vacates since inception, 1999 – 2021

Long Beach	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total Incidents	33	-	-	24	35	46	74	97	135	92	-	73	75	-	-	-	42	21	47	30	17	11	4
Drug	33	-	-	24	35	46	74	97	135	92	-	64	62	-	-	-	42	16	33	20	8	4	1
Weapon	0	-	-	0	0	0	0	0	0	-	-	9	13	-	-	-	-	2	3	2	2	5	0
Both	0	-	-	0	0	0	0	0	0	-	-	0	0	-	-	-	-	3	11	8	7	2	3
Total Voluntary Vacates		-	-	18	15	24	18	61	86	61	-	31	30	-	-	-	24	13	28	23	14	2	1
(% Voluntary Vacates)		-	-	75%	43%	52%	24%	63%	64%	66%	-	42%	40%	-	-	-	57%	62%	60%	77%	82%	18%	25%

Los Angeles	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total Incidents	159	173	-	190	277	257	-	2	121	105	-	158	125	-	-	-	2	12	12	4	2	1	11
Drug	159	173	-	190	277	257	-	2	121	97	-	139	106	-	-	-	-	-	-	-	-	-	-
Weapon	0	0		0	0	0		0	0	8		19	19	-	-	-	2	12	12	4	0	0	9
Both	0	0		0	0	0		0	0	0		0	0				24	13	28	23	2	1	2
Total Voluntary Vacates				111	173	177		1	97	38		44	54				1	8	6	1	1	0	4
(% Voluntary Vacated)				58%	62%	69%		50%	80%	36%		28%	43%				50%	67%	50%	25%	50%	0%	36%

Sacramento											2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total Incidents											4	-	38	35	-	-	-	10	7	3	15	15	5	0
Drug											-	-	33	26	-	-	-	7	5	3	8	6	2	0
Weapon											4	-	5	9	-	-	-	3	2	0	7	9	3	0
Both											-	-	0	0	-	-	-	0	0	0	0	0	0	0
Total Voluntary Vacates											3	-	6	19	-	-	-	10	7	2	9	6	0	0
(% Voluntary Vacates)											75%	-	16%	54%	-	-	-	100%	100%	67%	60%	40%	0%	0%

Oakland																	2015	2016	2017	2018	2019	2020	2021
Total Incidents																	10	10	5	3	2	1	1
Drug																	1	3	0	2	1	1	1
Weapon																	4	4	3	1	1	0	0
Both																	5	3	2	0	0	0	0
Total Voluntary Vacates																	5	6	3	1	1	0	0
(% Voluntary Vacates)																	50%	60%	60%	33%	50%	0%	0%

The pilot program lapsed in 2014. Long Beach did not submit data in 2000, 2001, 2009, 2012 and 2013. Los Angeles did not submit any data in 2001, 2005, 2006, 2009, 2012 and 2013. In 2010, Los Angeles did not submit the number of cases that the city attorney joined the landlords as co-defendants, and in 2011, did not submit the cases that landlords assigned to the City Attorney’s Office.

- Long Beach did not submit data in 2000, 2001, 2009, 2012 and 2013, and did not participate in 2008 and 2015 of the illegal guns program. See Neville, et al (2016), p. 7.
- Los Angeles did not submit data in 2001, 2005, 2006, 2009, 2012 and 2013 and was not required to submit controlled substances data after 2013.
- Sacramento joined the pilot program in 2008 but did not join the controlled substances section until 2010.
- Oakland joined the pilot program in 2015.

Appendix C. Unlawful Detainer Program Cases Filed

Total Unlawful Detainer cases filed, by filing entity, 1999-2021

Long Beach	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Cases Filed	7			2	13	7	17	20	35	18		28	23			–	8	2	8	10	1	1	2
(% incidents)	21%			8%	37%	15%	23%	21%	26%	20%		38%	31%				19%	10%	17%	33%	6%	9%	50%
by city	0			0	0	4	6	6	15	6		10	3			–	3	0	1	0	0	0	0
(% filings)	0%			0%	0%	57%	35%	30%	43%	33%		36%	13%				37%	0%	13%	0%	0%	0%	0%
Assigned				0	4	4	6	11	18	7		10	3			–	3	0	0	0	0	0	0
Cases Joined				0	0	0	0	0	1	1		0	0			–	0	0	1	0	0	0	0

Los Angeles	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Cases Filed	31	39		29	72	70		0	17	12		19	24			–	1	4	6	3	1	1	6
(% incidents)	19%	23%		15%	26%	27%		0%	14%	11%		12%	19%				50%	33%	50%	75%	50%	100%	55%
by city	1	0		2	2	0		0	1	0		3	3			–	1	2	1	1	1	1	0
(% filings)	3%	0%		7%	3%	0%		–	6%	0%		16%	13%				0%	50%	17%	33%	100%	100%	0%
Assigned				2	2	0		0	1	0		3	–			–	1	0	0	1	0	1	0
Cases Joined				0	0	0		0	1	0		–	2			–	0	0	0	0	1	0	0

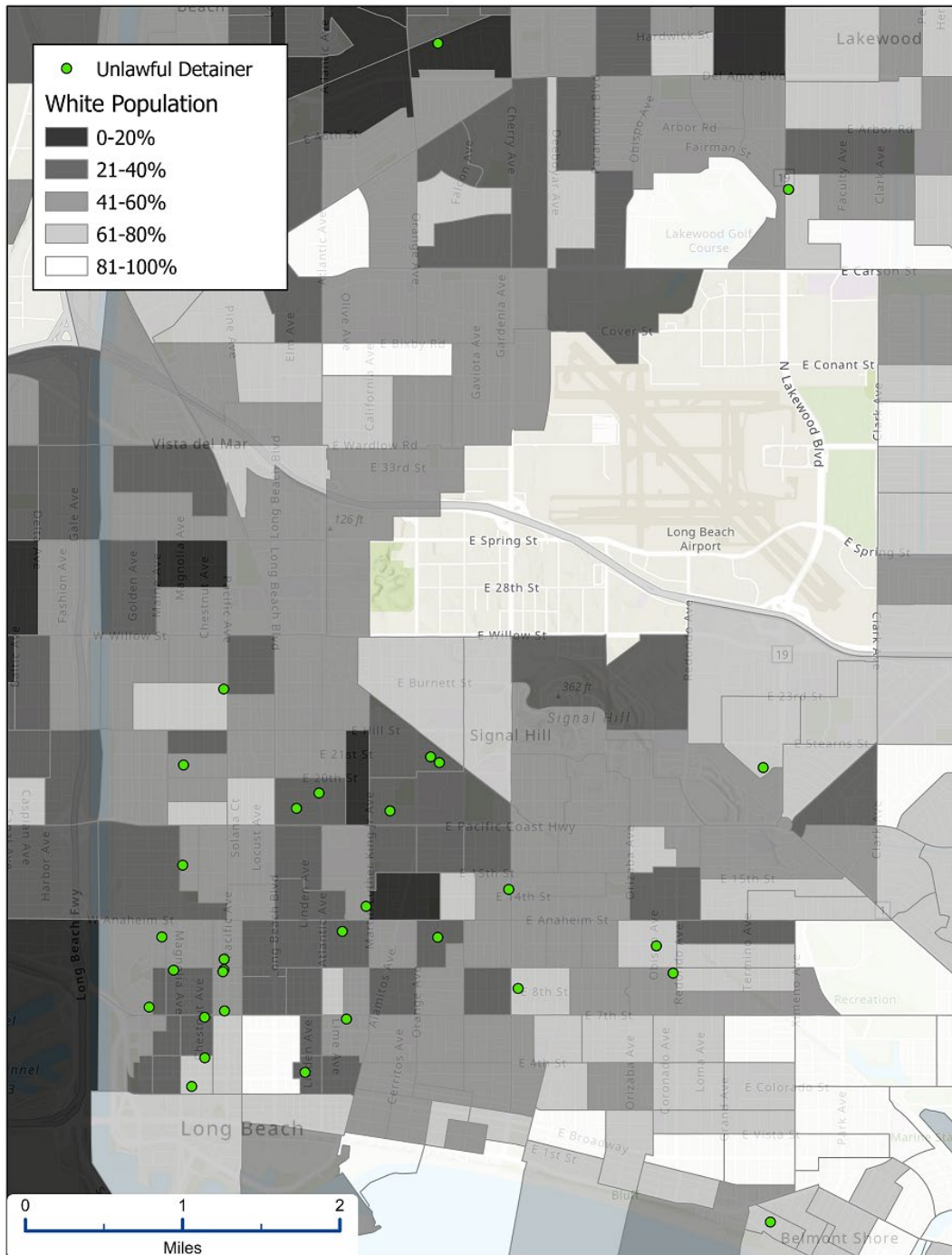
Sacramento	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Cases Filed										1		3	10			–	0	1	1	2	3	0	0
(% incidents)										25%		8%	29%				0%	14%	33%	13%	25%	0%	0%
by city										1		1	2			–	0	0	0	0	0	0	0
(% filings)										0%		33%	20%				–	0%	0%	0%	0%	–	0%
Assigned										1		4	2			–	0	0	1	0	–	–	0
Cases Joined										0		0	1			–	0	0	0	–	–	–	0

Oakland																	2015	2016	2017	2018	2019	2020	2021
Cases Filed																	3	1	0	2	1	1	1
(% incidents)																	30%	10%	0%	67%	50%	100%	100%
by city																	0	0	0	0	0	0	0
(% filings)																	0%	0%	–	0%	0%	0%	0%
Assigned																	0	0	0	0	0	0	0
Cases Joined																	0	0	0	0	0	0	0

- Long Beach did not submit data in 2000, 2001, 2009, 2012 and 2013, and did not participate in 2008 and 2015 of the illegal guns program. See Neville, et al (2016), p. 7.
- Los Angeles did not submit data in 2001, 2005, 2006, 2009, 2012 and 2013, and was not required to submit controlled substances data after 2013.
- Sacramento joined the pilot program in 2008 but did not join the controlled substances section until 2010.
- Oakland joined the pilot program in 2015.

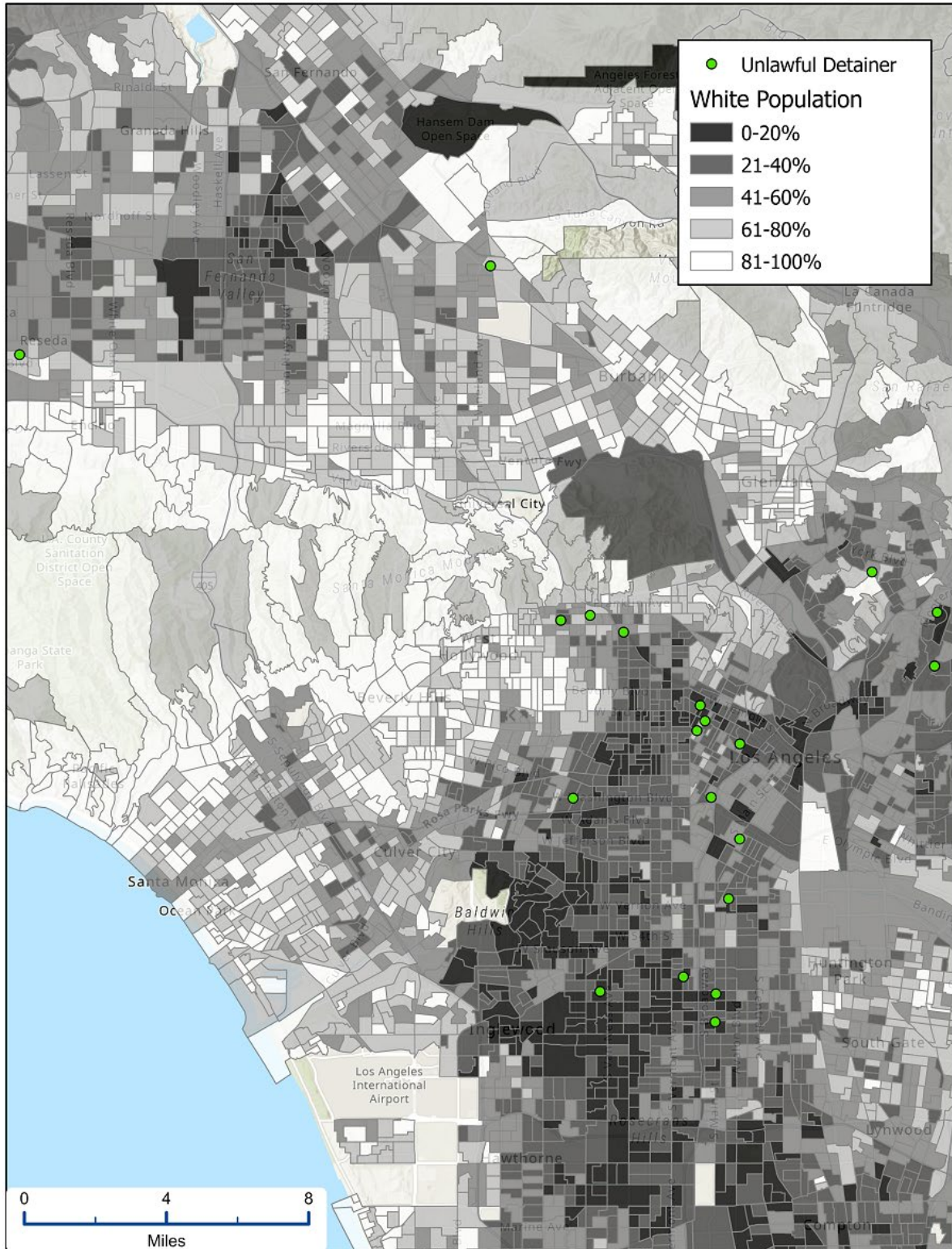
Appendix D. Unlawful Detainer Program Maps

Long Beach Unlawful Detainers by Census Block Groups, 2019-2021



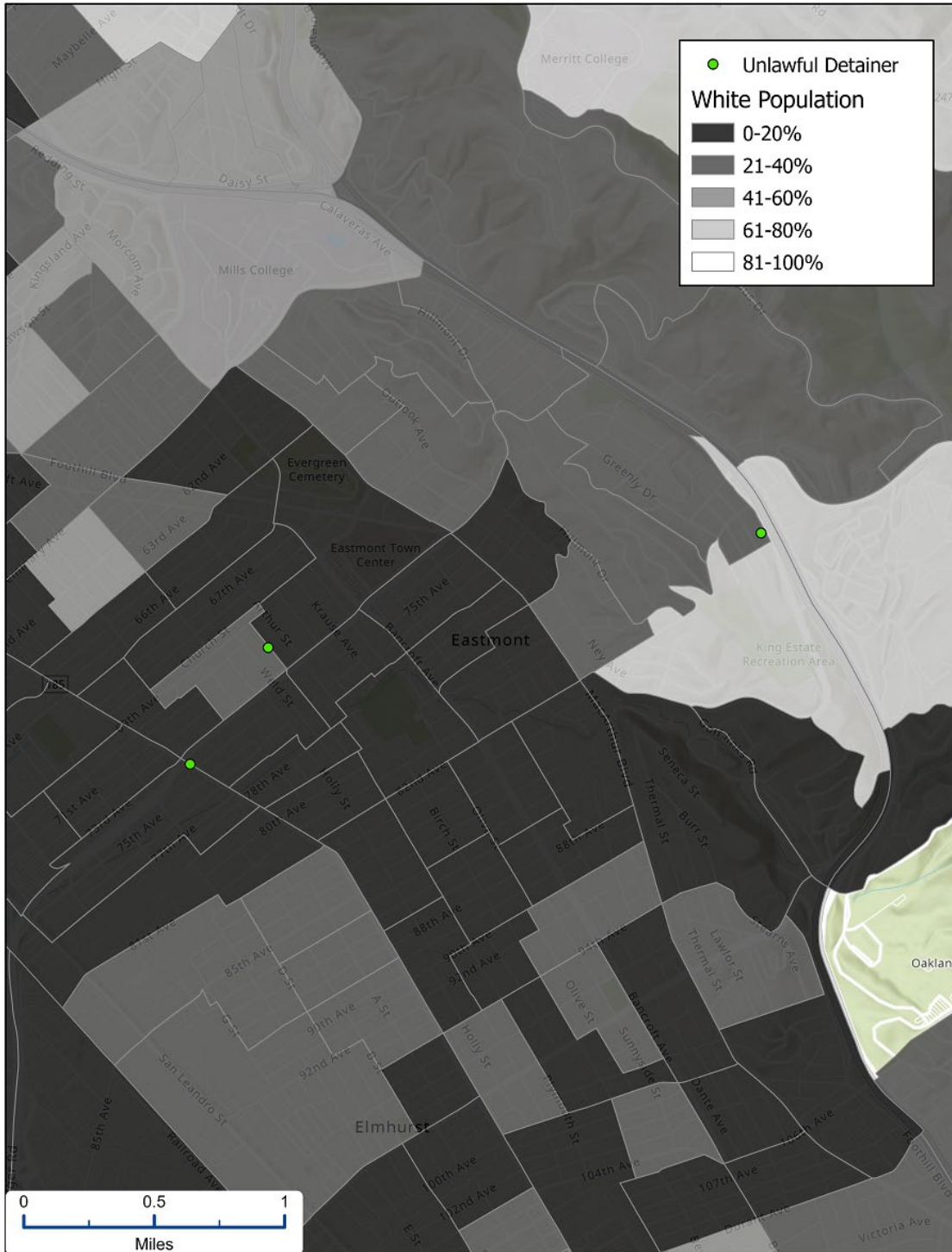
Source: U.S. Census Bureau, 2021. Darker census block groups have higher percentage of nonwhite residents.

Los Angeles Unlawful Detainers by Census Block Groups, 2019-2021



Source: U.S. Census Bureau, 2021. Darker census block groups have higher percentage of nonwhite residents.

Oakland Unlawful Detainers by Census Block Groups, 2019-2021



Source: U.S. Census Bureau, 2021. Darker census block groups have higher percentage of nonwhite residents. The Oakland incident depicted originated in 2018 and has not yet resolved.

Sacramento Unlawful Detainers by Census Block Groups, 2019-2021



Source: U.S. Census Bureau, 2021. Darker census block groups have higher percentage of nonwhite residents.

Endnotes

- ¹ The general unlawful detainer process is described in the [Code of Civil Procedure §1159-1179\(a\)](#).
- ² [AB 1384 \(Stats. 1998, Ch. 613\)](#).
- ³ Assembly Committee on Appropriations. (Jan. 26, 1998). [Analysis of AB 1384 \(Havice\)](#), p.3. On third-party policing as it pertains to the unlawful detainer pilot program, see the first California Research Bureau report: Blanton, R. (2011). [Unlawful Detainer Pilot Program: Report to the California Legislature](#).
- ⁴ See [Civil Code §3485\(a\)\(6\)\(B\)\(ii\)\(C\) and §3485\(b\)](#); also [§3486\(b\) and §3486\(f\)\(3\)](#).
- ⁵ [AB 1013 \(Stats. 2007, Ch. 456\)](#); [Civil Code §3485](#), [Civil Code §3486](#) and [Civil Code §3486.5](#).
- ⁶ Civil Code §3486.5(b)(2)(B) authorizes the combination of reports on both programs. This is the tenth legislative report on the unlawful detainer pilot program. The first four reports, written by the [Judicial Council of California in 2001, 2004, 2007, and 2009](#), were inconclusive about program merits due to data limitations. The next four reports, written by the California Research Bureau, were also inconclusive for the same reason. Research Bureau reports: Blanton, R. (2011) [Unlawful Detainer Pilot Program: Report to the California Legislature](#); Lindsey, T. (2013) [City-Attorney-Sponsored Unlawful Detainer in California, Part I: Mandated Information – 2013 Report to the California Legislature](#); Neville, A., et al. (2016) [A Review of the California Unlawful Detainer Pilot Program](#); Tang, B. (2018) [A Review of the California Unlawful Detainer Pilot Program: 2018 Update](#); and Tang, B. (2021) [A Review of the California Unlawful Detainer Pilot Program: 2021 Update](#).
- ⁷ See Endnote 1.
- ⁸ If the city attorney prevails with the unlawful detainer, then the attorney may impose penalties on the owner (legal costs and attorney’s fees, constituted as a lien on the property). See Civil Code §3485(a)(2)-(3) and §3486(a)(2)-(3). The initial notices also warn of potential penalties imposed under municipal codes, which vary by city but could include additional fees.
- ⁹ For the purposes of this report, voluntary vacates include all incidents in which tenants departed from their residences before and after receiving eviction notices (notices of intent to evict and notices to quit), as well as after court cases commenced but before the cases were resolved.
- ¹⁰ See Civil Code §3486.5(b)(2)(B) and [AB 2930 \(Stats 2018, Ch. 880\)](#).
- ¹¹ AB 2310 (Stats. 2014, Ch. 339) and AB 2485 (Stats. 2014, Ch. 341).
- ¹² Office of Governor Gavin Newsom (Mar. 16, 2020). [“Governor Newsom Issues Executive Order to Protect Renters and Homeowners During COVID-19 Pandemic”](#) and [Executive Order N-28-20](#). Office of Governor Gavin Newsom (Mar. 27, 2020). [“Governor Newsom Takes Executive Action to Establish a Statewide Moratorium on Evictions”](#) and [Executive Order N-37-20](#). Office of Governor Gavin Newsom. [“Governor Newsom Signs Executive Order on Actions in Response to COVID-19 6.30.20”](#) and [Executive Order N-71-20](#). [Oakland Eviction Moratorium Emergency Ordinance 20-0316](#) (Mar. 27, 2020). [Oakland Eviction Moratorium Emergency Ordinance Extension 20-0377](#) (May 19, 2020). [Los Angeles City Ordinance #186585](#) (Mar. 27, 2020). [Long Beach Coronavirus Economic Relief Package Urgency Ordinance 20-0010](#) (Mar. 24, 2020). [Long Beach Ordinance 20-0028](#) (Jul. 29, 2020). [Sacramento Temporary Moratorium on Evicting Tenants Ordinance 2020-0015](#) (Mar. 17, 2020).
- Most municipal eviction moratoria lasted only a few months and expired. Eviction protection was extended in September 2020 with state laws [AB 3088 \(Stats 2020, Ch. 37\)](#) [“COVID-19 Tenant Relief Act of 2020”](#) and

extended in January 2021 with [SB 91 \(Stats 2021, Ch. 2\)](#). For overview of other local COVID eviction ordinances, see <https://www.nolo.com/>.

¹³ Oakland City Attorney's Office. (Mar. 2, 2023). Phone interview.

¹⁴ Sacramento City Attorney's Office (Feb. 25, 2021). Phone interview.

¹⁵ Correspondence from the Sacramento City Attorney's Office, Jan. 6, 2023.

¹⁶ Sacramento City Attorney's Office. (Feb. 28, 2023). Phone interview.

¹⁷ For list of specific mandated questions, see [Civil Code §3485\(g\)\(1\)](#) for weapons offenses and [§3486.5\(b\)\(1\)](#) for drug offenses.

¹⁸ See AB 2930 (Stats 2018, Ch. 880); also Blanton (2011), p.29 for her framing of these questions to convey legislative intent.

¹⁹ Blanton (2011), p.29.

²⁰ Los Angeles City Attorney's Office. (Feb. 25, 2021). Videoconference interview. Long Beach City Attorney's Office. (Feb. 21, 2018). Phone interview.

²¹ Oakland City Attorney's Office. (Mar. 2, 2023). Phone interview.

²² Sacramento City Attorney's Office (Feb. 28, 2023). Phone interview.

²³ Judicial Council (2009), p.B-5; Blanton (2011), pp.43-44; and Oakland City Attorney's Office. (Mar. 8, 2018). Phone interview. The Sacramento City Attorney's Office estimated the prosecution costs of an eviction lawsuit to be 10 to 15 times that of an unlawful detainer nuisance action resolved without case filing. About 75% of typical eviction cases are decided within 45 days, and 60% within a month. Inglis, A. and Preston, D. (2018). [California Evictions are Fast and Frequent](#). Tenants Together.

²⁴ The risk of an expensive unlawful detainer filing encourages city attorneys to be judicious in using the pilot program. Los Angeles City Attorney's Office. (Feb. 25, 2021). Videoconference interview. Gov. Schwarzenegger vetoed AB 1838 (2010), which would have added San Joaquin County to the pilot program, over such cost concerns in the aftermath of the 2008 Great Recession. Gov. Schwarzenegger. (Sep. 30, 2010). [Governor's Veto Message of AB 1838 \(Berryhill\)](#).

Compared to the \$600 fee reimbursement to landlords for assigned the case to city attorneys, costs to the court for an unlawful detainer hearing runs \$239 to \$320 per case. "[2021-22 Governor's Budget Proposal: Implementation of the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 \(AB 3088\)](#)."

²⁵ Neville, et al. (2016), p. 9.

²⁶ See Blanton (2011), pp.15-21 for more on diffusion versus displacement, and place-based and third-party policing.

²⁷ Los Angeles City Attorney's Office. (Feb. 25, 2021). Videoconference interview.

²⁸ Phone interviews with the Sacramento City Attorney's Office, Feb. 25, 2021 and Feb. 28, 2023.

²⁹ More than a thousand U.S. cities now have crime-free housing ordinances. Dillon, L., et al. (Nov. 19, 2020). "[Black and Latino renters face eviction, exclusion amid police crackdowns in California](#)." *Los Angeles Times*. See also Michaels, S. (2019). "[Hundreds of Cities Have Adopted a New Strategy for Reducing Crime in Housing. Is It Making Neighborhoods Safer—or Whiter?](#)"; and American Civil Liberties Union. "[I Am Not a Nuisance: Local Ordinances Punish Victims of Crime](#)."

For scholarship, see Desmond, M. and Valdez, N. (2013). "[Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women](#)." *American Sociological Review* 78: 117–141. Ramsey, K. (2018). "[One-Strike](#)

[2.0: How Local Governments Are Distorting a Flawed Federal Eviction Law.](#)” *UCLA Law Review*. Archer, D. (2019). “[The New Housing Segregation: The Jim Crow Effects of Crime-Free Housing Ordinances.](#)” *Michigan Law Review*. Roy, A., Graziani, T. and Stephens, P. (2020). [Unhousing the Poor: Interlocking Regimes of Racialized Policing.](#) UCLA Luskin Institute on Inequality and Democracy. Silverstein, E. (2020). “[Life, Liberty, and Rental Property: Oakland’s Nuisance Eviction Program.](#)” *Hastings Journal of Crime and Punishment*.

³⁰ Ramsey. (2018). pp.1179-1184.

³¹ A police budget shortfall that closed three dedicated staff positions forced Los Angeles to stop the program in 2005, while Sacramento twice claimed insufficient police training and resources to explain its low program use at the beginning and in the past three-year cycle. Judicial Council (2009), p.C-5; Blanton (2011), p.38; and Sacramento City Attorney’s Office (Mar. 9, 2018). Phone interview. The Sacramento Police Department is set to have a record \$165.8 million budget in the upcoming fiscal year. Clift, T. (Apr. 30, 2021). “[Some big cities have reduced police budgets. Sacramento’s is set to hit a record high.](#)” *Sacramento Bee*. The Judicial Council in 2004 recognized that “operation of the pilot program appears to depend in part on the city attorney’s office having adequate resources to appropriately identify and process the cases.” Judicial Council (2009), C-11.

³² In 2008, out of 41 cases referred to Oakland’s Nuisance Abatement Division under the municipal nuisance eviction ordinance, 18 were possibly sent by the same police officer. Silverstein. (2020). p.90.

³³ Western Center on Law & Poverty. (2018, Mar. 20). Email communication. Charles H. Cunningham, National Rifle Association. (2014, Jun. 19). [Letter to Members of the Senate Judiciary Committee.](#)

³⁴ [Cook v City of Buena Park \(2005\) 126 CA4th 1, 23 CR3d 700](#). See also Bernhardt, R. (2005). [Compelling landlords to evict drug dealers: Cook v City of Buena Park, 2005.](#)

³⁵ [Long Beach Municipal Code §9.16](#) (drug activity) and [§9.17](#) (unlawful weapons); [Los Angeles Municipal Code §47.50](#); [Oakland Municipal Code §8.23](#); [Sacramento City Code §5.156 and §8.04](#). For other municipal nuisance eviction ordinances nationwide, see “[The Policy Surveillance Program: City Nuisance Property Ordinances.](#)”

³⁶ Roy, et al. (2020) and Silverstein. (2020). See for example Capps, K. (2014, Oct. 22). “[Oakland Can Now Order Landlords to Evict Sex Workers.](#)” *Bloomberg CityLab*. Tchekmedyian, A. (Nov.. 27, 2017). “[Prosecutors say this housing complex is a hotbed for gang crime, and they think its owner should live there.](#)” *Los Angeles Times*.

³⁷ [Oakland Municipal Code §8.23.100\(H\)](#). The state pilot program covers commercial properties (including barbershops, auto body shops and massage parlors), while the Oakland ordinance adds gambling and prostitution as qualifying nuisances and the Los Angeles ordinance grants a reach of 1,000 feet from properties (increasing the qualifying area for nuisance activity beyond just the residential space). Los Angeles City Attorney’s Office. (Mar. 5, 2018). Phone interview; and Oakland City Attorney’s Office. (Mar. 8, 2018). Phone interview.

³⁸ Los Angeles City Attorney’s Office. (Mar. 5, 2018). Phone interview. The Los Angeles City Attorney filed 96 cases under its Citywide Nuisance Abatement Program (CNAP) between 2013 and 2018. Roy, et al. (2020), p. 7. The Los Angeles City Attorney’s Office issued about 1,300 notices under its own eviction ordinance in 2003. Gammon, R. (Mar. 22, 2004). “[ACLU calls eviction law ‘illegal’.](#)” *Oakland Tribune*.