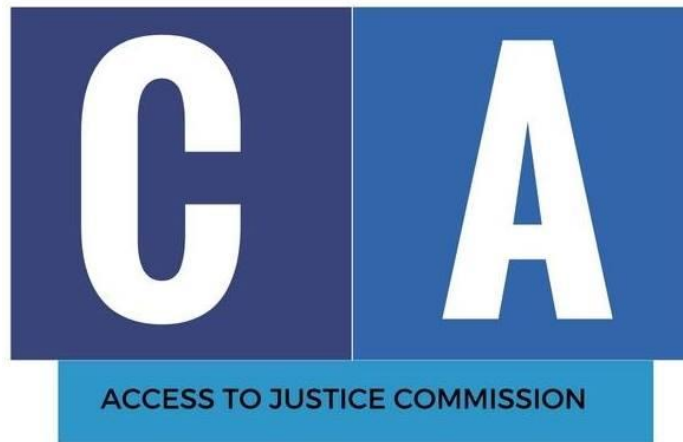


California's Rural Housing Crisis: The Access to Justice Implications



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EXECUTIVE SUMMARY

This policy paper is part of a series that seeks to illuminate the socio-legal and geographic contours to the access to justice crisis in rural California. We also seek to outline possible solutions. This paper focuses on the intersection of California's rural housing crisis and access to legal services, legal information, and—ultimately—just outcomes.

California's Housing Crisis. That California's cities are facing a housing crisis marked by gentrification and displacement of low-income residents is widely understood. Less familiar is a parallel and interconnected crisis in rural parts of the Golden State. From high rates of eviction and foreclosure to low rates of habitability, the housing crisis is undermining the well-being of rural Californians. Not only is housing in rural California scarce and increasingly expensive, wildfires are aggravating the situation by destroying housing stock. As in urban areas, rural homelessness is on the rise.

- In California as a whole, a minimum wage worker would need to work 119 hours per week—the equivalent of three full-time jobs—to afford the rental cost of a two-bedroom apartment
- In rural California, 36 percent of households are cost-burdened (meaning they spend upwards of 30 percent of their income on housing); almost a third are severely cost-burdened (spending more than *half* of their income on housing)

Access to Justice. Access to justice can, in a practical sense, mean access to an attorney, legal advice, or simple assistance in filling out forms. Above all, access to justice means the removal of barriers to the resources necessary to at least pursue a legally just outcome. The problem, however, is that too few attorneys—including legal aid attorneys—are located in rural areas of California to provide services to all eligible low-income residents. This phenomenon—"attorney deserts"—means that those in rural parts of the state often cannot receive the legal help or advice they need. This exacerbates the housing crisis by preventing Californians from getting assistance that could help them retain ownership of their house, stay in their rental unit, or enforce habitability laws against their landlord. Access to justice, therefore, also means access to clean, safe, and affordable housing.

- 60 percent of low-income Californians face at least one civil legal issue in a year, and 23 percent face six or more
- In California, 22 percent of cases closed by legal aid attorneys in 2017 dealt with housing, more than for any other legal need
- Nationally, 90 percent of landlords have counsel, while just 10 percent of tenants do
- On average, more than 160,000 Californians face eviction lawsuits annually, but more than a million are involuntarily displaced regardless of whether the lawsuit is actually filed
- Fresno County saw a rent increase of 22 percent from 2000 to 2015, while at the same time median renter income decreased by 8 percent
- The six counties with the least habitable housing are rural counties, including Lake and Del Norte

Recommendations. Our recommendations are two-fold. First, statewide and local laws that protect low-income renters and homeowners should be codified. These are the laws that legal aid and other attorneys work to enforce on behalf of their clients, ensuring that the objectives of the laws come to fruition. Second, legal aid should be funded robustly in order to fight the housing crisis, including in rural California. Rural legal aid providers need more resources to help residents fight unjust evictions and foreclosures, and the need for legal aid is especially acute in the wake of disasters. Ultimately, statewide renter and homeowner protections and access to legal services must be combined in a comprehensive strategy that both prevents and ameliorates California's housing crisis in rural and urban areas alike.

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THE RURAL HOUSING CRISIS

A dramatic housing crisis extends beyond California's urban centers. While most are aware that California's cities are expensive and inaccessible, rural California is facing a parallel, interconnected housing crisis. High housing costs¹ and an inadequate supply of safe and affordable housing² are persistent challenges to keeping both rural and urban Californians housed. Insufficient legal protections for renters and homeowners exacerbate the problem.³ All of these factors also contribute to recent increases in the state's homeless population,⁴ including in rural areas. The resulting access to justice challenge⁵ for low-income and modest-means residents is aggravated in rural areas by the underfunding of legal aid organizations and the state's rural lawyer shortage.⁶

Of low-income Californians, 60 percent face *at least* one civil legal issue in a year, and 23 percent face six or more.⁷ This means families might be dealing with an eviction, medical bills,

¹ Ben Bergman, *Housing is Now Unaffordable in Many Rural Parts of California Too*, SCPR (Oct. 25, 2016), <https://www.scpr.org/news/2016/10/25/65768/housing-is-now-unaffordable-in-many-rural-parts-of/>. See, e.g., California Housing Partnership, *Fresno County Renters in Crisis*, 2017, <https://1p08d91kd0c03rlxhmhtydp-wpengine.netdna-ssl.com/wp-content/uploads/2017/05/Fresno-Housing-Need-2017.pdf>; EAST BAY ALLIANCE FOR A SUSTAINABLE ECONOMY (EBASE) ET AL., *THE HOUSING CRISIS HITS HOME IN CONCORD* (2018), <http://workingeastbay.org/wp-content/uploads/2018/07/Housing-Crisis-Hits-Home-in-Concord-7-2018.pdf>. See also Jonathan Woetzel et al., *Closing California's Housing Gap*, MCKINSEY & COMPANY (Oct. 2016), <https://www.mckinsey.com/featured-insights/urbanization/closing-californias-housing-gap>.

² California ranks 49th in the United States in housing units per capita. Umair Irfan, *California's newly homeless fire victims face the state's severe housing shortage*, VOX (Nov. 16, 2018), <https://www.vox.com/energy-and-environment/2018/11/16/18098441/paradise-california-wildfire-housing>.

³ Nicole Montojo et al., *Opening the Door for Rent Control: Toward a Comprehensive Approach to Protecting California's Renters* 4, THE HAAS INSTITUTE FOR A FAIR AND INCLUSIVE SOCIETY (2018), <https://haasinstitute.berkeley.edu/opening-door-rent-control>.

⁴ United States Interagency Council on Homelessness. *California Homelessness Statistics*. <https://www.usich.gov/homelessness-statistics/ca/> (as of January 2018, the U.S. Department of Housing and Urban Development (HUD) estimated that California had 129,972 people experiencing homelessness on any given day. Of that total, 6,702 were family households, 10,836 were veterans, 12,396 were unaccompanied young adults (aged 18-24)).

⁵ See, e.g., THE STATE BAR OF CALIFORNIA, 2019 CALIFORNIA JUSTICE GAP STUDY (forthcoming), <http://board.calbar.ca.gov/docs/agendaltem/Public/agendaitem1000024723.pdf>; THE LEGAL SERVICES CORPORATION (LSC), *THE JUSTICE GAP 48* (2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> (nationally, 86% of low-income people received inadequate or no legal help for their civil legal issues). See also *The Unmet Need for Legal Aid*, LSC, <https://www.lsc.gov/what-legal-aid/unmet-need-legal-aid>; *The Unmet Need for Legal Aid*, LSC, <https://www.lsc.gov/what-legal-aid/unmet-need-legal-aid>; REBECCA SANDEFUR, *ACCESSING JUSTICE IN THE CONTEMPORARY USA: FINDINGS FROM THE COMMUNITY NEEDS AND SERVICES STUDY* (2014). See also Rebecca L. Sandefur, *Access to What?* 148 *DÆDALUS* 52 (2019) ("The access-to-justice crisis is a crisis of exclusion and inequality.").

⁶ CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, *CALIFORNIA'S ATTORNEY DESERTS: ACCESS TO JUSTICE IMPLICATIONS OF THE RURAL LAWYER SHORTAGE* (2019); Lisa R. Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 12 *HARV. L. & POLICY REV.* 15 (2018) (utilizing data mapped by James Meeker, Professor Emeritus of UC Irvine, in 2016); *Practicing Law in a Legal Desert*, California Lawyers Association Newsletter (Sept. 2019), <https://calawyers.org/california-lawyers-association/practicing-law-in-a-rural-legal-desert/>.

⁷ STATE BAR, *supra* note 5 (70% of low-income Californians did not seek or receive legal services, which means there are issues around cost as well as knowledge in accessing legal help). See also LSC, *THE JUSTICE GAP*, *supra* note 5, at

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back pay, and domestic violence issues—or various other civil matters—all in the same year. Only 29 percent of low-income people in California, however, seek and obtain legal help for these kinds of civil issues.⁸

Further complicating this lack of access is that, for rural Californians, their nearest legal services provider is rarely nearby.⁹ Only one legal aid attorney is available to assist about 5,500 Californians at 125 percent of poverty level in the state overall,¹⁰ and legal aid organizations serving rural areas face particular struggles to meet the needs of their constituents because rural organizations are funded less robustly than their urban counterparts.¹¹ Further, organizations serving rural populations are challenged by the distances that often separate them from their clients as well as the inability to achieve economies of scale. Aggravating these rural access to justice challenges is the fact that the vast majority of the state's attorneys are based in metropolitan areas.¹² This means too few lawyers—including civil legal aid lawyers—are in close proximity to and able to assist rural residents.¹³

The Great Recession forced many who previously owned homes into overcrowded rental markets,¹⁴ and nearly 17 million California residents—about 45 percent of the state's population—are now tenants.¹⁵ Low-income Californians now find themselves in an essentially

48, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> (similar data reflected nationally). For a definition of “civil legal issue,” see *Civil Legal Aid 101*, Department of Justice, <https://www.justice.gov/atj/civil-legal-aid-101>.

⁸ STATE BAR, *supra* note 5.

⁹ Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 SOUTH DAKOTA LAW REVIEW 466, 487 (2014); CALIFORNIA COMMISSION ON ACCESS TO JUSTICE (CALATJ), IMPROVING CIVIL JUSTICE IN RURAL CALIFORNIA 19 (2010), http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ_2010__FINAL_2.pdf?ver=2017-05-19-133105-073.

¹⁰ Statistic on file with the Legal Aid Association of California (LAAC).

¹¹ See CALATJ, CALIFORNIA'S ATTORNEY DESERTS, *supra* note 6. See also Pruitt et al., *Legal Deserts*, *supra* note 6.

¹² *Id.*

¹³ *Id.*

¹⁴ Montojo et al., *supra* note 3.

¹⁵ Tenants Together, *16,908,560 Californians are tenants*, <http://www.tenants-together.org/sites/tenants-together.org/files/Tenants%20in%20California.pdf>; Montojo et al., *supra* note 3 (the number of people renting has risen about 27 percent since 2000). California also has the highest overcrowding rate—more than one person per room (excluding bathrooms and kitchens)—at nearly 14 percent). This situation is prompting migration both within and away from California. Low-income urban populations are being pushed out from city centers to suburban and exurban areas. California Department of Housing and Community Development, *Overpayment and Overcrowding* (2019), <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/overpayment-overcrowding.shtml>. In Greater Bay Area communities like Vallejo, Antioch, Pittsburg, and elsewhere, the renter population has increased by over 40 percent. Chris Schildt, *Regional Resegregation: Reflections on Race, Class, and Power in Bay Area Suburbs 2*, URBAN HABITAT (Nov. 2017), <https://urbanhabitat.org/sites/default/files/%20UH%20Discussion%20Paper%20Nov%202017.pdf>. See also Montojo et al., *supra* note 3; California Department of Housing and Community Development, *California's Housing Future: Challenges and Opportunities Final Statewide Housing Assessment 2025*, 28, Feb. 2018, http://www.hcd.ca.gov/policy-research/plans-reports/docs/SHA_Final_Combined.pdf; Alix Martichoux, *53 percent of Californians want to leave the state, according to new survey*, SFGATE (Feb. 13, 2019), <https://www.sfgate.com/expensive-san-francisco/article/move-out-of-bay-area-california-where-to-go-cost-13614119.php>.

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impossible housing market: A minimum wage worker in California would need to work 119 hours per week—the equivalent of *three* full-time jobs—to afford the rental cost of a two-bedroom apartment.¹⁶ The challenge of high rental costs afflicts more than minimum-wage workers: 73 percent of California jobs (some 23 million jobs) pay too poorly for workers to afford fair market rent.¹⁷ Over half of California's renter households are cost-burdened with respect to housing costs, which means they spend 30 percent or more of their income on housing; almost one-third are severely cost-burdened, meaning they spend more than *half* of their income on housing.¹⁸

While the media often cover issues of gentrification and displacement in cities, few are aware of a parallel *rural* housing crisis.¹⁹ Rural communities are widely assumed to be less expensive than metropolitan areas; in fact, some of California's rural communities feature the least affordable housing in the state and nation.²⁰ Many rural households face threats of eviction and foreclosure, along with a high prevalence of habitability issues.²¹

In this context, a robust system of free, high-quality legal aid is necessary to keep people housed,²² and legal services organizations in rural areas provide a range of services to help

¹⁶ National Low Income Housing Coalition, *Out of Reach: The High Cost of Housing* (2018) 16, https://nlihc.org/sites/default/files/oor/OOR_2018.pdf.

¹⁷ Montojo et al., *supra* note 3.

¹⁸ Sara Kimberlin & Esi Hutchful, *New Census Figures Show that California Has 7.5 Million Residents Living in Poverty—More Than Any Other State*, CALIFORNIA BUDGET AND POLICY CENTER (Sept. 2018), <https://calbudgetcenter.org/resources/new-census-figures-show-that-california-has-7-5-million-residents-living-in-poverty-more-than-any-other-state/>; Montojo et al., *supra* note 3 (since 2000, the number of cost-burdened California renters has increased by 3.4 million and now totals 9.5 million).

¹⁹ Most counties are composed of a mix of urban and rural locales, a phenomenon that is especially striking in counties that cover a great deal of territory, like Fresno, Kern, and San Bernardino. California's Medical Service Study Areas (MSSAs) concept is a useful sub-county unit for assessing this phenomenon. MSSAs are clusters of census tracts that are designated as either "urban" (75,000 to 125,000 residents), "rural" (50,000 or fewer residents), or "frontier" (fewer than 11 residents per square mile). See *Medical Service Study Areas*, STATE OF CALIFORNIA: OFFICE OF STATE HEALTH PLANNING & DEV., <https://oshpd.ca.gov/MSSA/>. For purposes of this policy paper, "rural" refers to both rural and frontier MSSAs.

²⁰ See, e.g., Salinas in Monterey County: "By far the greatest difficulty facing Salinas families . . . is the disappearance of affordable rental housing. . . [The] influx of higher-earning tenants into an already congested market has led to a rise in rents, which in turn—together with the exclusionary zoning, no-fault evictions, and barriers to new construction that have beleaguered the rest of the state—is creating unprecedented housing instability among Salinas's working poor." Brian Goldstone, *3 kids. 2 paychecks. No home. South of San Francisco, in a fertile corner of California that feeds much of the country, working families are sleeping in shelters and parking lots*, CAL. SUNDAY MAG. (Nov. 26, 2019), <https://story.californiasunday.com/homeless-families>. See also Kathleen Ronayne, *People Priced Out of Salinas, California, Look to the Ballot*, AP (Oct. 18, 2018), <https://apnews.com/5ab03512959a42779442e7caa69d1dec>.

²¹ THE STATE OF THE NATION'S HOUSING 2018, JOINT CENTER FOR HOUSING STUDIES OF HARVARD UNIVERSITY (JCHS), http://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2018.pdf; *Many Households Burdened by Housing Costs in 2017*, JCHS (2019), <https://www.jchs.harvard.edu/son-2019-cost-burdens-map>; *California Healthy Places Index*, PUBLIC HEALTH ALLIANCE OF SOUTHERN CALIFORNIA, <https://map.healthyplacesindex.org>; *California Real Estate Trends & Market Info*, REALTYTRAC (Aug. 2019), <https://www.realtytrac.com/statsandtrends/foreclosures/ca/>.

²² *Civil Legal Aid 101*, Department of Justice, <https://www.justice.gov/atj/civil-legal-aid-101>.

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achieve this goal. As in cities, rural legal aid lawyers represent clients facing eviction and foreclosure, as well as those dealing with ancillary issues like domestic violence, access to public benefits and healthcare, and debt relief. Indeed, housing is one of the most common issues for which California legal aid organizations provide assistance: In 2017, the State Bar of California reported that 22 percent of cases closed by legal aid attorneys dealt with housing, more than for any legal need.²³

High housing costs and housing instability implicate other legal issues, and these phenomena are particularly consequential for vulnerable populations, including veterans, the elderly, and people with disabilities. When renters must spend so much of their incomes on housing, their overall economic well-being is undermined, as they may be forced to do without other necessities (e.g., food, healthcare, and education).²⁴ A rural lawyer shortage leaves many rural residents without access to an attorney who can help them challenge their evictions or foreclosures while also navigating the other legal issues they face, holistically. When people cannot access an attorney—whether a free legal aid lawyer, a pro bono lawyer, or a lawyer whom they pay—their meaningful participation in the justice system is impeded, and they may be effectively denied a legal resolution that could keep them housed.

This policy paper will describe the housing issues faced by low-income and modest-means residents of rural California. It will also address related access to justice challenges. Finally, this paper will offer some policy recommendations that could provide both short-term and long-term assistance to those struggling to stay housed in rural California.

DEFINING “RURAL” IN CALIFORNIA

Importantly, many of California's rural poor live not in low-population rural counties, but rather in *rural parts* of large, “metropolitan” counties with an urban center.²⁵ This phenomenon is especially prominent in the Central Valley, with counties like Fresno,²⁶ Tulare, and Merced.²⁷

²³ MAKING A DIFFERENCE: CALIFORNIA LEGAL AID, STATE BAR OF CALIFORNIA (2019), http://www.calbar.ca.gov/Portals/0/documents/accessJustice/Final_ImpactReport_1.17.19.pdf. See also STATE BAR, *supra* note 5 (showing that rural residents are experiencing as many problems, and in some cases more, than their urban counterparts. In addition, while there are differences regarding the issues urban versus rural parts of the state are facing, the statistical differences are too small to make much of these differences, but both populations indicate housing is a critical issue).

²⁴ Jeff Larrimore & Jenny Schuetz, *Assessing the Severity of Rent Burden on Low-Income Families*, FEDS NOTES, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM (Dec. 22, 2017), <https://doi.org/10.17016/2380-7172.2111>.

²⁵ See Appendix A. These data are based on research by Professor James Meeker tracking 2015 data (“Distribution of Rural Poverty Data 2015 (Meeker)”), which are on file with the Legal Aid Association of California (LAAC). “Metropolitan” is a designation of the Office of Management and Budget (OMB). OMB states that each of their Core Based Statistical Areas “must contain at least one urban area of 10,000 or more population. Each *metropolitan* statistical area must have at least one urbanized area of 50,000 or more inhabitants. Each *micropolitan* statistical area must have at least one urban cluster of at least 10,000 but less than 50,000 population” (emphasis added). *Metropolitan and Micropolitan*, U.S. CENSUS BUREAU, <https://www.census.gov/programs-surveys/metro-micro/about.html>.

²⁶ *Id.*

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Fresno County, whose county seat is California's fifth largest city, is home to more than 10 percent of the state's *rural* poor.²⁸

In order to analyze systematically where California's rural poor are, we used a unit called Medical Service Study Areas (MSSAs), which are sub-county units that are clusters of census tracts designated as either "urban" (75,000 to 125,000 residents), "rural" (50,000 or fewer residents), or "frontier" (fewer than 11 residents per square mile).²⁹ We categorized counties into four groups, based on how much of a county's poverty population (those living below the official poverty line) live in frontier, rural, or urban MSSAs. For these purposes, we combined rural and frontier MSSAs into a single "rural" label.

The four categories we created are (1) "rural counties," where all people living below the official poverty line³⁰ are in rural or frontier MSSAs; (2) "rural-urban mixed counties," where between 99 percent and 15 percent of people living below the official poverty line live in rural or frontier MSSAs; (3) "urban-rural mixed counties," where at least 3 percent but less than 15 percent of the people below the official poverty line live in rural or frontier MSSAs; and (4) "urban counties," where more than 97 percent of those below the official poverty line live in urban MSSAs.³¹ All counties and their categories are listed in Appendix A, "Distribution of Rural Poverty in California Counties (2015)."

While significant numbers of rural poor live in "rural counties" like Madera (40,300), Imperial (38,935), Humboldt (30,373), and Mendocino (17,395), greater numbers of "rural" poor actually live in "rural-urban mixed counties," such as Fresno (89,359), Tulare (72,909), Kern (55,436), and Merced (47,152).³² Indeed, counties that are rural-urban mixed or urban-rural mixed are home to 66.5 percent of California's "rural" poor.³³ Hence, when thinking about the needs of rural residents, then, we must keep in mind that rural poverty occurs in both counties popularly thought of as rural (e.g., Trinity, Modoc, Humboldt, Imperial) as well as in counties dominated by major cities (e.g., Fresno and Kern).

To state it another way, we must look at data below the scale of the county to see where the majority of rural poverty is. This sub-county analysis helps us better understand the geographic

²⁷ *Id.*

²⁸ *Id.* Fresno County is home to 89,359 rural poor, while the state's total rural poor population is 889,090.

²⁹ See *Medical Service Study Areas*, STATE OF CALIFORNIA: OFFICE OF STATE HEALTH PLANNING & DEV., <https://oshpd.ca.gov/MSSA/>.

³⁰ Distribution of Rural Poverty Data 2015 (Meeker) uses the Official Poverty Measure (OPM). Elsewhere in this policy paper, we also refer to the Supplemental Poverty Measure (SPM). See *infra* note 41 for a more in-depth discussion.

³¹ See Appendix A. See *infra* notes 149 and 181 for a more in-depth discussion.

³² *Id.* Nearly one-third of California's rural poor (29.3 percent) live in rural counties. The mixed counties ("rural-urban" and "urban-rural") are home to more than twice as many rural poor (66.5 percent) as counties that are entirely rural (29.3 percent). Rural-urban mixed counties have more than half of the rural poor (52.4 percent), and urban-rural mixed counties the majority of the remainder (14.1 percent). Urban counties have 4.3 percent. See Appendix A.

³³ *Id.*

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complexity of rural poverty. This has implications for funding, as discussed below in “Recommendations and Current Policy Landscape.”

HOUSING INSTABILITY IN RURAL CALIFORNIA

The housing crisis involves a number of phenomena, from evictions to foreclosures to habitability issues. This section will discuss the overarching lack of affordability, the eviction process and rates, housing habitability, and foreclosure trends—all with an emphasis on how these aspects of the housing crisis play out in rural California.

The Redding office of Legal Services of Northern California (LSNC) assisted an 81-year old, low-income veteran whose mobile home park landlord tried to evict him by raising the rental cost of his space by 325 percent. Living on a fixed income, the client could not pay the drastically increased rent, and the owner started eviction proceedings. LSNC represented the client in the eviction, arguing that the park owner had unlawfully closed the park and evaded the state-mandated park closure process. The case quickly settled: The park owner dropped the eviction and provided the client with relocation benefits. If LSNC had not been there to represent this client, he would very likely have become homeless.

i. A Lack of Affordability

Some 36 percent of rural California households are cost-burdened (meaning they spend upwards of 30 percent of their income on housing), while rural households nationally spend just a quarter of their income on housing.³⁴ While Los Angeles County homeowners face the highest severe housing cost-burden in the state, the next four highest severe cost-burden counties are among California's most rural: Lake, Amador, Calaveras, and Plumas.³⁵

Fresno County, a “rural-urban mixed” county with nearly a million residents, illustrates the trend. Fresno County tenants saw rent increase by 22 percent between 2000 and 2015, while median renter income decreased by 8 percent during the same period.³⁶ Almost 50 percent of Fresno County households are renter households, and 65 percent of those renter households are paying 30 percent or more of their income on rent.³⁷ As housing prices go up, owning a home is also out of reach for low- and moderate-income residents in Fresno County.³⁸

³⁴ THE STATE OF THE NATION'S HOUSING 2018, JCHS, *supra* note 21. *See also* Corianne Scally & Brandi Gilbert, *Rural communities need more affordable rental housing*, URBAN INSTITUTE (Oct. 2, 2018), <https://www.urban.org/urban-wire/rural-communities-need-more-affordable-rental-housing>.

³⁵ PUBLIC HEALTH ALLIANCE OF SOUTHERN CALIFORNIA, *supra* note 21.

³⁶ California Housing Partnership, *supra* note 1. Fresno County is home to 10% of the state's rural poor. *See supra* note 28.

³⁷ FAITH IN THE VALLEY, *EVICTED IN FRESNO: FACTS FOR HOUSING ADVOCATES* (2019), https://drive.google.com/file/d/1w2O__CstpJHwLDmioYao7OZwCk6fKpu9/view.

³⁸ *Id.*

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The cost burden of housing is entangled with other socioeconomic factors, such as poverty rate, unemployment rate, and vacancy rates. In combination, these undermine the efforts of rural Californians to stay housed. Rural Siskiyou County in far Northern California had a 2014 poverty rate of 23 percent (up from 19 percent in 2000), an unemployment rate of 14 percent (up from 10 percent in 2000), and a cost-burden of 30 percent; only 3 percent of units were vacant.³⁹ In the Inland Empire, Imperial County had a 2014 poverty rate of 23 percent, an unemployment rate of 18 percent, and a cost-burden of 25 percent; just 6 percent of units were vacant.⁴⁰

California's poverty rate is the highest in the nation when housing costs and other cost-of-living metrics are taken into account.⁴¹ Nearly one fifth of California residents (19 percent or 7.5 million people)⁴² are unable to support themselves and their families.⁴³ The poverty rates in California's nonmetropolitan counties are sometimes as high as—or even higher than—those in metropolitan counties.⁴⁴ Given these data, it should come as no surprise that rural homelessness is on the rise, in some places on an upward trajectory sharper than urban areas.⁴⁵

ii. Evictions

As Matthew Desmond observes in his prize-winning 2016 book *Evicted*, “[e]viction is a cause, not just a condition, of poverty.”⁴⁶ Eviction disrupts

California Rural Legal Assistance (CRLA) assisted a woman who was experiencing domestic violence when her landlord began termination of tenancy proceedings. The abuser did not live in the home and had broken into the apartment, set a fire outside it, and stalked the tenant. Instead of working with the tenant to help protect her, the subsidized housing provider issued the notice of termination of tenancy based on the abuser's actions. CRLA is working with the tenant to prevent her eviction.

³⁹ See Scally & Gilbert, *supra* note 34. In addition, another notable point where urban and rural areas diverge is in regard to medical debt. In rural Lake County, for example, 42 percent of residents have medical debt in collections (with the median at \$1,427). In San Francisco County, on the other hand, only 16 percent of residents face medical debt in collection. In rural Tehama County, 39 percent of residents have medical debt in collection, while just 17 percent do in urban San Mateo. *Debt in America: An Interactive Map*, URBAN INSTITUTE (last updated May 16, 2018), <https://apps.urban.org/features/debt-interactive-map/>.

⁴⁰ *Id.*

⁴¹ Kimberlin & Hutchful, *supra* note 18. The Supplemental Poverty Measure (SPM) takes into account cost of living, while the Official Poverty Measure (OPM) does not. The former provides a more comprehensive sense of a state's level of economic hardship by factoring in housing costs and other expenditures with a profound impact on cost of living. See *Poverty in California*, PUBLIC POLICY INSTITUTE OF CALIFORNIA (PPIC) (2016), <https://www.ppic.org/publication/poverty-in-california/>.

⁴² *Id.* (SPM).

⁴³ *Id.* (SPM). See also PPIC, *supra* note 41.

⁴⁴ See Appendix A (using OPM).

⁴⁵ See, e.g., Carolyn Jones, *Why California's Rural Areas are Seeing a Surge in Homeless Youth*, EDSOURCE (June 12, 2018), <https://edsources.org/2018/why-californias-rural-areas-are-seeing-a-surge-in-homeless-youth/598983>; Kevin Fagan, *California's Homelessness Crisis Expands to Country*, SF CHRON. (Sept. 8, 2017), <https://www.sfchronicle.com/news/article/California-s-homelessness-crisis-moves-to-the-12182026.php>.

⁴⁶ MATTHEW DESMOND, *EVICTED* 299 (2016).

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access to other basic necessities, like healthcare and education, and it can lead to homelessness.⁴⁷ A high rent burden can mean that a slight shift in someone’s income can quickly threaten eviction.⁴⁸

a. Fast and Frequent

California’s eviction data are marked by two critical limitations: (1) an “eviction” refers to an unlawful detainer lawsuit⁵¹ (but this only captures the evictions that get to this formal stage of the legal process) and (2) evictions are sealed in California.⁵² Data looking only at eviction lawsuits filed represent “the tip of the iceberg when it comes to involuntary displacement.”⁵³ This undercounting is due to the fact that a tenant may leave when a landlord gives the tenant an eviction notice—whether or not the eviction is justified—which means the landlord does not need to file the unlawful detainer lawsuit to remove the tenant. On average, more than 160,000 Californians face eviction

Eviction Rate by County ⁴⁹	
Urban Counties	Rural Counties
Los Angeles ⁵⁰ : 0.6%	Lake: 2.63%
Alameda: 0.59%	Tehama: 2.46%
San Francisco: 0.25%	Tulare: 1.46%

⁴⁷ See, e.g., David Gorn, *Some cities see eviction prevention as a way to reduce homelessness*, NPR (Sept. 26, 2018), <https://www.marketplace.org/2018/09/25/world/some-cities-see-eviction-prevention-way-reduce-homelessness>.

⁴⁸ Larrimore & Schuetz, *supra* note 24.

⁴⁹ See Appendix D, “County Eviction Rates and Foreclosure Rates,” citing *Eviction Map & Data*, EVICTION LAB, <https://evictionlab.org/map/#/2016?geography=counties&bounds=-126.751,32.636,-109.334,39.727&type=er&locations=06047,-120.637,37.226%2B06019,-119.443,36.916>.

⁵⁰ The central purpose of these data is to demonstrate eviction rates *can be* higher in rural California. It is important to note that there are in excess of 10,000 evictions in Los Angeles a year, but the eviction rate remains lower than the rural places pointed to based on these data. *Id.*

⁵¹ Aimee Inglis & Dean Preston, *California Evictions are Fast and Frequent*, TENANTS TOGETHER (2018), http://www.tenantstogether.org/sites/tenantstogether.org/files/CA_Evictions_are_Fast_and_Frequent.pdf (“An unlawful detainer lawsuit, commonly referred to as a UD, is a lawsuit seeking to evict a tenant. It is a summary proceeding with significantly shorter timelines than ordinary civil cases”); *FAQs*, EVICTION LAB, <https://evictionlab.org/help-faq/#what-is-eviction> (Eviction Lab defines “eviction” as happening “when a landlord expels people from property he or she owns. Evictions are landlord-initiated involuntary moves that happen to renters, whereas foreclosures are involuntary moves that happen to homeowners when a bank or other lending agency repossesses a home.” In terms of the following Eviction Lab data, “an eviction is defined as an eviction judgment issued to a renting home.”). See also *Landlord/Tenant Unlawful Detainer (UD) Overview*, THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA, http://www.sccscourt.org/self_help/civil/ud/ud_overview.shtml. See generally FAITH IN THE VALLEY, *supra* note 37 (noting that “[n]ot all eviction filings result in an eviction” and “[t]housands of evictions occur *informally* without a court filing”).

⁵² See also EVICTION LAB, *Eviction Map & Data*, *supra* note 49 (Eviction Lab identifies their California data as being an “underestimate” given the fact that “in California, many cases that end in eviction are sealed and therefore not accessible by the general public. In addition, it can be difficult to collect data from California as a whole, owing to restrictions on the number of records one can collect.” Hence, while these data are helpful, they are not dispositive).

⁵³ Inglis & Preston, *supra* note 51.

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lawsuits annually, but estimates suggest that more than a million are involuntarily displaced whether a lawsuit is filed or not.⁵⁴

Part of the problem with evictions in California—both in terms of increased displacement as well as lack of time to get legal help—is that they can happen extremely fast.⁵⁵ Evictions are quick in California primarily because so many are effected through default judgments. Defaults occur when the tenant does not file a response, within five court days,⁵⁶ to an eviction lawsuit.⁵⁷ Almost 60 percent of eviction cases reach resolution within a month of filing, and 75 percent reach resolution within 45 days.⁵⁸ Because California evictions proceed so quickly, many tenants have too little time to locate and engage legal help.⁵⁹ We do not know what percentage of California landlords are represented by counsel, but nationally 90 percent of landlords have counsel, while just 10 percent of tenants do.⁶⁰

The eviction and displacement crisis afflicts both rural and urban communities.⁶¹ A full grasp of the state's eviction landscape requires us to look beyond raw numbers to the rate of evictions. Analyzing Eviction Lab's data shows that rural places sometimes have higher eviction *rates* than urban counties,⁶² even if the number of rural evictions is smaller because the population is smaller.⁶³ For example, 593 renter households in San Francisco were evicted in 2016,⁶⁴ an eviction rate of 0.25 percent.⁶⁵ Lake County experienced fewer than half as many evictions as San Francisco (255), but that rural county's eviction rate was more than ten times as high, at 2.63 percent.⁶⁶ In rural Tehama County, the eviction rate was 2.46 percent, which is significantly higher than that in urban Alameda County, at 0.59 percent.⁶⁷ In Southern

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Until 2019, this timeframe was a mere three days, which allowed landlords to file a notice on a Friday afternoon before a weekend, giving tenants virtually no time to seek legal help and respond. See Sean Rohtla, *California governor signs bill extending time for tenants to challenge evictions*, JURIST.ORG (Sept. 7, 2018), <https://www.jurist.org/news/2018/09/california-governor-signs-bill-extending-time-for-tenants-to-challenge-evictions/>.

⁵⁷ Inglis & Preston, *supra* note 51.

⁵⁸ *Id.*

⁵⁹ COURT STATISTICS REPORT, JUDICIAL COUNCIL, Figure 19, <http://www.courts.ca.gov/documents/2017-Court-Statistics-Report.pdf>.

⁶⁰ LSC BRIEFING TO HIGHLIGHT LEGAL AID'S IMPORTANCE TO AMERICANS FACING EVICTION, LSC (Sept. 4, 2018), <https://www.lsc.gov/media-center/press-releases/2018/lsc-briefing-highlight-legal-aids-importance-americans-facing>.

⁶¹ EVICTION LAB, *Eviction Map & Data*, *supra* note 49.

⁶² *Id.* ("An eviction rate is the number of evictions per 100 renter homes in an area. An eviction rate of 5 percent means that 5 of every 100 renter homes faced eviction in the selected area that year."). See Appendix D.

⁶³ *Id.*

⁶⁴ Again, these numbers likely severely undercount evictions in San Francisco for the aforementioned reasons. See, e.g., Adam Brinklow, *How Many People Are Really Evicted in San Francisco Every Year?*, SF CURBED (May 31, 2018), <https://sf.curbed.com/2018/5/31/17412558/sf-tenants-together-eviction-unlawful-detainer> (in 2016, the number was as high as 3,004 according to Tenants Together versus 1,881 according to the city).

⁶⁵ EVICTION LAB, *Eviction Map & Data*, *supra* note 49.

⁶⁶ *Id.*

⁶⁷ *Id.*

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California, the greatest numbers of evictions by far occur in Los Angeles County, which has over 10,000 evictions annually; nevertheless, its eviction rate (0.6 percent) is less than half that of Tulare County (1.46 percent), where many low-income residents live in rural areas.⁶⁸

Given that most California counties cover a great deal of territory and include both rural and urban areas, it is also important to look at the sub-county level to identify high-eviction zones, such as those within Fresno and San Diego counties. Rural communities like Friant (eviction rate of 4.3 percent) in Fresno County and Jacumba (3.94 percent) in rural southeast San Diego County have especially high eviction rates.⁶⁹ The other top evicting small cities and rural areas include Vernon (Los Angeles County) at 8 percent; Lemon Hill (unincorporated Sacramento County) at 5.51 percent; and Cabazon (Riverside County) at 5.12 percent.⁷⁰ Those high-eviction zones in rural places are presumably a result, at least in part, of the particular dearth of legal assistance in those communities.

b. Not an Isolated Issue

In *Evicted*, Desmond describes “eviction’s fallout” as “[l]osing your home and possessions and often your job; being stamped with an eviction record and denied government housing assistance; relocating to degrading housing; and suffering from increased material hardship, homelessness, depression, and

A LSNC client lived alone in subsidized senior housing in Placer County for a decade. Her stage-4 cancer impeded her ability to carry on daily activities, and one month she paid her rent a few days late. When she tried to pay what she owed, the landlord told her it was too late and that she was being evicted. The tenant tried to file an answer but did not reach the clerk’s desk at the courthouse in time to do so. When the tenant returned to the courthouse the following day, the clerk’s office told her it was too late to file an answer and that a default judgment had been entered against her. LSNC was able to achieve a stay of the eviction, get the default set aside, and settle the case, thus allowing the client to pay the rent in installments and stay in her home.

illness.”⁷¹ Access to counsel helps people understand and navigate the legal system so that they can stay housed and avoid this downward spiral, including the compounding effect of other client vulnerabilities. The elderly,⁷² individuals experiencing a disability,⁷³ and veterans⁷⁴ are all

⁶⁸ *Id.*

⁶⁹ *Eviction Rankings*, EVICTION LAB, <https://evictionlab.org/rankings/#/evictions?r=California&a=2&d=evictionRate&l=3>.

⁷⁰ *Id.* The next two highest—Fruitridge Pocket (4.5 percent) and East Hemet (4.5 percent)—are in Sacramento and Riverside Counties, respectively. The highest large city, by far, is Moreno Valley (5 percent) in Riverside.

⁷¹ DESMOND, *supra* note 46 at 298.

⁷² *Percentage Population Aged 65 and Over: 2013–2017*, CENSUS.GOV, <https://www.census.gov/content/dam/Census/library/visualizations/time-series/demo/older-population/Figure%201%20Population%20Aged%2065%20and%20Over.pdf>.

⁷³ *Geography and Rural Disability*, RTC: RURAL, <http://rtc.ruralinstitute.umt.edu/community-participation-independent-living/geography-and-rural-disability/>.

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particularly vulnerable populations residing in rural communities at higher rates than in urban communities. Such vulnerabilities are often aggravated in rural contexts, where sheer distance and the lack of public transit undermine service delivery, leaving them farther from institutional supports.

iii. Habitability: A Right to Clean, Safe Housing

Even when low-income rural residents are able to avoid eviction, they may face habitability issues with respect to their housing, from mobile home parks⁷⁶ to apartments to single-family homes. This issue intersects with the high cost of housing because tenants may be forced to accept sub-standard housing if they cannot afford a habitable residence. Legally, California’s implied warranty of habitability requires that landlords maintain certain basic features, such as effective weather protection, plumbing, and heating.⁷⁷

Counties with Least Habitable Housing ⁷⁵
San Francisco (urban)
Trinity (rural)
Siskiyou (rural)
Inyo (rural)
Lassen (rural)
Del Norte (rural)

The California Healthy Places Index (HPI) measures the percentage of households with basic plumbing and kitchen facilities, as a proxy for overall housing habitability.⁷⁸ The lowest ranked county on the index for housing habitability using this metric is urban San Francisco, but it is followed by rural Trinity, Siskiyou, Inyo, Lassen, Del Norte, and other rural counties.⁷⁹ Critically, low habitability can have a much greater impact in rural areas where the housing

Rural legal services providers play critical roles in preserving low-income tenants’ right to live in safe, habitable housing. The California Rural Legal Assistance (CRLA) Marysville office represented a senior citizen with cancer who was living in multi-tenant housing that was so infested with roaches that they dropped from her ceiling during daylight hours. The kitchen ceiling had collapsed due to a water leak in the apartment above her, and the landlord left it unrepaired and moldy for months. CRLA filed suit on her behalf and negotiated a settlement that included an agreement to bring all 60 units of housing up to acceptable standards through third-party verification.

⁷⁴ VETERANS IN RURAL AMERICA: 2011–2015, CENSUS.GOV (2017),

<https://www.census.gov/content/dam/Census/library/publications/2017/acs/acs-36.pdf>.

⁷⁵ PUBLIC HEALTH ALLIANCE OF SOUTHERN CALIFORNIA, *supra* note 21. The California Healthy Places Index (HPI) provides comparative score percentiles between different geographic areas, including by county, census tract, and MSA. Here, San Francisco’s habitability conditions are better than 0% of other counties; Trinity 1.8%; Siskiyou 3.6%; Inyo 5.4%; Lassen 7.1%; and Del Norte 10.7%.

⁷⁶ See generally SONYA SALAMON & KATHERINE MACTAVISH, SINGLEWIDE: CHASING THE AMERICAN DREAM IN A RURAL TRAILER PARK (2017).

⁷⁷ California Civil Code §1941.1.

⁷⁸ PUBLIC HEALTH ALLIANCE OF SOUTHERN CALIFORNIA, *supra* note 21 (“Poor quality and unstable housing quality has been linked to asthma, injury, poisoning, depression, behavioral problems and educational delays, low birth weights, communicable disease, skipped meals and medical care, and food insecurity.”).

⁷⁹ *Id.* Followed by Humboldt, Shasta, Mendocino, and Yuba, as the top 10, which means that 9/10 of the least habitable counties are rural or mixed.

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shortage means rural residents have few options if they leave an uninhabitable dwelling.⁸⁰ Furthermore, when we cross-reference data for housing habitability with cost-burdens for homeowners and renters, we see that, while Los Angeles is indexed as lowest in the combined metric for these factors, the next three counties are in rural far Northern California—Del Norte, Lake, and Mendocino—thus demonstrating the intersection of habitability with cost-burden in rural regions.⁸¹

iv. High Rates of Foreclosure

Finally, foreclosures in California hit rural areas at least as hard as urban ones, as detailed in Appendix D.⁸² In Kern County, the rate is a staggering 1:1254 people, compared to Los Angeles County, where it is a quarter of that, at 1:9925 people.⁸³ The state's lowest foreclosure rate is in wealthy Marin County, at just 1:56303.⁸⁴ In sharp contrast, the rate in rural counties tends to be highest, including 1:1372 in Shasta County and 1:1391 in Madera County.⁸⁵ Disasters further exacerbate these trends.⁸⁶

Foreclosure Rate by County	
County	Foreclosure Rate
Kern	1:1254
Shasta	1:1372
Madera	1:1391
Los Angeles	1:2790
San Francisco	1:9925

California Rural Legal Assistance's (CRLA) Marysville office recently assisted a family of eight to keep their home. The family, with five special needs children and a military veteran parent with a disability, sought legal assistance against foreclosure. The parents had earlier attempted to prepay their mortgage while their income allowed them to make extra payments; they did not realize the unspecified payments would be credited to the principal but not to future interest payments. When their income decreased, they skipped several payments on the assumption that they had prepaid those sums; at that point, the mortgage company initiated foreclosure proceedings. CRLA stopped the foreclosure.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² REALTYTRAC, *supra* note 21.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Due to a lack of fire or flood insurance and the cost of rebuilding, low-income homeowners are at risk to lose their homes after disasters. See Diana Olick, *The mortgage industry isn't ready for a foreclosure crisis created by climate change*, CNBC (Jan. 17, 2019), <https://www.cnbc.com/2019/01/16/potential-for-foreclosure-crisis-because-of-climate-change-is-real.html>.

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RURAL HOMELESSNESS, HOUSING, AND LEGAL AID

Homelessness⁸⁷ in rural areas, like in urban centers, is on the rise.⁸⁸ For example, since 2015, the population of individuals experiencing homelessness has grown by 122 percent in El Dorado County; in Alpine County, the increase was 128 percent; and in Butte County, 76 percent.⁸⁹ This phenomenon is exacerbated by the fact that rural places facing such increases typically have less developed infrastructure and capacity than their urban counterparts to support those facing housing instability and homelessness.

Rural legal aid organizations actively work to prevent low-income Californians from becoming homeless. These organizations, in collaboration with social services agencies, also provide critical services to homeless populations. Homeless individuals in rural counties are even more restricted in their access to legal services because most rural areas lack effective public transportation systems to connect rural residents with services. Legal aid organizations have responded to this challenge in innovative ways.

Recently, the Marysville office of CRLA sued Sutter County to enjoin enforcement of anti-camping ordinances against homeless community members who have nowhere else to stay because of the lack of an area homeless shelter. Almost 1,000 homeless individuals live in Yuba and Sutter counties. More than 50 homeless individuals sought representation, and CRLA filed a lawsuit on behalf of ten community members who were elderly and experiencing homelessness and/or a disability to ensure they did not get arrested, fined, and lose their belongings just because they had no choice but to camp outside or in their cars. Under pressure from CRLA, Sutter County repealed its anti-camping ordinance and is now in the process of building a temporary homeless shelter.

The Marysville office of California Rural Legal Assistance (CRLA), for example, has worked with local government agencies and nonprofits through involvement in the local Homeless Consortium. CRLA advocates conduct weekly intake for new clients at homeless day centers to ensure that transportation to CRLA's office in Marysville is not a barrier to obtaining legal help. Providing legal aid for housing matters is an efficient use of resources to address homelessness: One Massachusetts study found that every \$1 invested in legal aid housing defense services saved \$2.69 in homeless services including emergency shelters, law enforcement, and healthcare.⁹⁰ CRLA has also fought the criminalization of homelessness through the efforts of multiple offices in communities it serves.

⁸⁷ Homelessness is defined as lacking a fixed, regular, and adequate nighttime residence. It includes both people who are unsheltered as well as people who may have temporary access to shelter. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT, THE 2017 ANNUAL HOMELESS ASSESSMENT REPORT (AHAR) TO CONGRESS 2, https://www.novoco.com/sites/default/files/atoms/files/hud_2017_ahar_p1_120617.pdf.

⁸⁸ Fagan, *supra* note 45.

⁸⁹ *Id.*

⁹⁰ INVESTING IN JUSTICE, BOSTON BAR ASSOCIATION, STATEWIDE TASK FORCE TO EXPAND CIVIL LEGAL AID IN MASSACHUSETTS 4 (Oct. 2014), <http://www.bostonbar.org/docs/default-document-library/statewide-task-force-to-expand-civil-legal-aid-in-ma---investing-in-justice.pdf>.

DISASTERS AND HOUSING: EXACERBATING EXISTING INEQUITY

Disasters bring to the fore issues at the intersection of housing, poverty, and various other axes of vulnerability,⁹¹ exacerbating housing challenges in rural California.⁹² Wildfires have hit rural areas hard, including in Butte, Amador, Shasta, and Sonoma counties.⁹³ Two significant earthquakes hit the high desert in Kern and Inyo Counties in July 2019.⁹⁴ Disasters can aggravate housing scarcity by destroying existing housing stock in places where housing is already in short supply; California's recent disasters have destroyed thousands of housing units and led to significant displacement.⁹⁵ Disasters thus create additional

In non-metro Petaluma, Legal Aid of Sonoma County represented three tenant families whose homes were damaged after the Petaluma River flooded and filled their houses with more than a foot of standing water. The landlord received nearly \$50,000 from FEMA to pay for repairs in the homes, but only spent \$18,805 to put cheap carpet and tile over the dilapidated wet sub-flooring. After the county issued a notice of violation for structural defects, mold, and a rat infestation, the clients withheld rent until repairs were made properly. As a result, the landlord responded by serving the clients with a 60-day notice to pay rent or leave. Legal Aid of Sonoma filed suit against the landlord for retaliation and breach of the warranty of habitability. Thanks to Legal Aid of Sonoma's advocacy, the case was resolved with the tenants receiving 9 months of free rent and a \$21,250 combined settlement.

⁹¹ For a more in-depth discussion of legal aid, rural communities, and disasters, see CALIFORNIA COMMISSION ON ACCESS TO JUSTICE (CALATJ), *DISASTERS IN RURAL CALIFORNIA: THE IMPACT ON ACCESS TO JUSTICE* (2019), <http://www.calbar.ca.gov/Portals/0/documents/accessJustice/Rural-Disaster-Policy-Brief-Final.pdf>. See also Thomas Fuller et al., *Despair for Many and Silver Linings for Some in California Wildfires*, N.Y. TIMES (Oct. 29, 2019), https://www.nytimes.com/2019/10/29/us/california-fires-homes.html?te=1&nl=morning-briefing&emc=edit_NN_p_20191030§ion=longRead?campaign_id=9&instance_id=13470&segment_id=18354&user_id=9254232a2e8248bbb7ff6bc83498cc8c®i_id=96968468ion=longRead (“[T]he aftermath of the fires has produced a spectrum of misery and recovery, ranging from the wealthy, who with insurance money rebuilt houses sometimes worth more than the ones that burned, to those who lost everything and years later still have nothing.”); SAMHSA, *GREATER IMPACT: HOW DISASTERS AFFECT PEOPLE OF LOW SOCIOECONOMIC STATUS* (2017), https://www.samhsa.gov/sites/default/files/dtac/srb-low-ses_2.pdf.

⁹² Thomas Fuller et al., *California Fires Only Add to Acute Housing Crisis*, N.Y. TIMES (Nov. 15, 2018), <https://www.nytimes.com/2018/11/15/us/homeless-california-wildfires-evacuees.html> (“With each disaster—wildfire, mudslide or earthquake—there are thousands of people who cannot find homes in a market that for years has had very little vacancy.”).

⁹³ CALATJ, *DISASTERS IN RURAL CALIFORNIA*, *supra* note 91. See also Brian K. Sullivan et al., *Wildfires in California Are Mostly Burning in Rural Areas*, INSURANCE JOURNAL (Aug. 8, 2018), <https://www.insurancejournal.com/news/west/2018/08/08/497465.htm>.

⁹⁴ Lisa Pruitt, *Rural So Cal epicenter of big California quakes*, LEGAL RURALISM (July 24, 2019), <http://legallruralism.blogspot.com/2019/07/big-california-earthquakes-epicenter-in.html>.

⁹⁵ Liam Dillon, *How Northern California's Destructive Wildfires Could Exacerbate the State's Housing Crisis*, LA TIMES (Dec. 5, 2018), <https://www.latimes.com/politics/la-pol-ca-housing-problems-wildfires-20181205-story.html>; Diane Yentel, *Disaster housing recovery: Time for Congress to act*, THE HILL (Nov. 26, 2018), <https://thehill.com/opinion/civil-rights/418175-disaster-housing-recovery-time-for-congress-to-act>; Jones, *supra* note 45.

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challenges to keeping low-income and modest-means rural residents housed.⁹⁶

Butte County faced particular devastation from the 2018 Camp Fire, which caused \$7 billion in damage and destroyed 14,000 structures, many of them in the small city of Paradise.⁹⁷ Butte County's housing vacancy rate was extremely low before the Camp Fire, at just 2 percent.⁹⁸ The pre-existing housing shortage made it difficult for the region to absorb the tens of thousands of residents displaced by the fire.⁹⁹ Similarly, the 2018 Carr Fire destroyed more than one thousand homes in Shasta and Trinity counties; the 2017 Sonoma Complex Fires (including the Tubbs Fire) destroyed more than 5,000 homes in Sonoma County;¹⁰⁰ and the 2015 Butte Fire destroyed nearly 500 homes in Amador and Calaveras Counties.¹⁰¹

These counties are all still struggling to rebuild lost housing stock.¹⁰² Rebuilding is a slow process,¹⁰³ and 10,000 people remained displaced six months after the 2017 Sonoma wildfires; more than a thousand were still displaced six months after the 2018 Camp Fire.¹⁰⁴ Low-income residents with nowhere to go may end up in temporary housing, like FEMA trailers.¹⁰⁵ Worse still, they may find themselves homeless, living in tents.¹⁰⁶ Relatedly, rent can go up after a disaster. Santa Rosa rents rose 35 percent in the weeks following the 2017 Sonoma County wildfires, which destroyed 5 percent of the city's housing stock.¹⁰⁷ After 2017 saw excessive rent increases like this,¹⁰⁸ AB 1919 went into effect on January 1, 2019, amending California

⁹⁶ *Id.*

⁹⁷ Kathleen Ronayne & Brian Melley, *Missing-persons List Tops 1,011 in Fire-Stricken California*, ABC NEWS (Nov. 16, 2018), <https://www.10news.com/news/missing-persons-list-tops-1-011-in-camp-fire>; Andrew Sheeler, *These Three 2018 California Wildfires Caused More than \$9 billion in damage*, SAC. BEE (Dec. 12, 2018), <https://www.sacbee.com/news/politics-government/capitol-alert/article222997430.html>.

⁹⁸ Ryan Sabalow et al., *Refugee Camps for Fire Survivors? Butte County on 'edge' of Humanitarian Crisis after Camp Fire*, SAC. BEE (Nov. 14, 2018), <https://www.sacbee.com/news/state/california/fires/article221594715.html>.

⁹⁹ *Id.*

¹⁰⁰ *The Timeline of the Sonoma Complex Fires*, SONOMA INDEX-TRIBUNE (October 8, 2018)

<https://www.sonomanews.com/news/8813602-181/the-timeline-of-the-sonoma?sba=AAS>.

¹⁰¹ Sarah Heise, *Crews make good progress on massive Butte, Valley fires*, KCRA (Sept. 18, 2015),

<https://www.kcra.com/article/crews-make-good-progress-on-massive-butte-valley-fires/6424986>.

¹⁰² Alan Greenblatt, *After Wildfires, Housing Crisis Complicates California's Rebuild*, GOVERNING (Apr. 2018),

<https://www.governing.com/topics/transportation-infrastructure/gov-california-wildfires-homes-destroyed.html>.

¹⁰³ Lizzie Johnson & Kevin Fagan, *Signs of Life amid scars and loss: Sonoma County: Six months are the wildfires*, SF CHRON., <https://www.sfchronicle.com/bayarea/article/north-bay-wildfires-rebuilding-12804162.php>.

¹⁰⁴ Gaby Del Valle, *The fires in California highlight—and worsen—the state's income divide*, VOX (Nov. 15, 2018),

<https://www.vox.com/the-goods/2018/11/15/18097092/california-fires>; Jeff Daniels, *Six months after California's Camp Fire, survivors still struggle to find temporary homes*, CNBC (May 16, 2019),

<https://www.cnbc.com/2019/05/16/six-months-after-camp-fire-survivors-struggle-to-find-temporary-homes.html>.

¹⁰⁵ Will Schmitt, *FEMA gradually closing trailer city for 2017 wildfire survivors in Sonoma County*, PRESS DEMOCRAT (May 14, 2019), <https://www.pressdemocrat.com/news/9583084-181/fema-gradually-closing-trailer-city>.

¹⁰⁶ Johnson & Fagan, *supra* note 103.

¹⁰⁷ *Id.*; Del Valle, *supra* note 104.

¹⁰⁸ Conor Dougherty & Adam Nagourney, *California Today: Price Gouging Complaints After Wildfires*, NY TIMES (Dec. 27, 2017), <https://www.nytimes.com/2017/12/27/us/california-today-price-gouging-complaints-after-the-wildfires.html>.

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Penal Code Section 396 to further limit rental increases after a disaster results in a declared state of emergency.¹⁰⁹

Finally, when disasters destroy California housing, displaced families can be forced into a downward spiral.¹¹⁰ One result is an increase in homeless rural youth.¹¹¹ The number of homeless youth rose by 20 percent statewide from 2014 to 2016, and this rise has been even steeper in rural counties, doubling in some places.¹¹² Over just two years, Calaveras County saw the homeless youth population in its public schools quadruple from 4.7 percent to almost 20 percent,¹¹³ with 1,124 kids overcrowding extended family or living in cars or outdoors.¹¹⁴

In sum, disasters are aggravating the state's rural housing crisis,¹¹⁵ and low- and moderate-income Californians are especially vulnerable. Helping people stay housed and regain stability is a huge priority in the aftermath of disaster. Rural legal aid organizations are integral parts of the communities they serve, protecting the interests and rights of those who need an attorney but cannot afford one.¹¹⁶ Their mission is particularly critical in the wake of disaster.

LEGAL AID IMPROVES OUTCOMES

Access to legal aid can have a big impact in housing matters,¹¹⁷ including eviction defense,¹¹⁸ as evinced by data gathered pursuant to the 2009 Sargent Shriver Civil Counsel Act.¹¹⁹ In addition to funding legal services, the Act also produced significant data that illustrate the importance of

¹⁰⁹ Jed W. Bonner, *Update to Price Gouging Prohibitions in Disaster Zones*, THE NAT'L LAW REV. (Feb. 28, 2019), <https://www.natlawreview.com/article/update-to-price-gouging-prohibitions-disaster-zones>.

¹¹⁰ Jones, *supra* note 45.

¹¹¹ See also Matthew Morton et al., *Rural Counties Lack Services for Youth Experiencing Homelessness* (2018), CHAPIN HALL, <https://www.chapinhall.org/research/youth-homelessness-rural-america/>.

¹¹² Jones, *supra* note 45.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ Annie Lowrey, *Is California Becoming Unlivable?*, THE ATLANTIC (Oct. 30, 2019), <https://www.theatlantic.com/ideas/archive/2019/10/can-california-save-itself/601135/> ("California's housing crisis has exacerbated its wildfire crisis, and its wildfire crisis has exacerbated its housing crisis.").

¹¹⁶ CALATJ, *DISASTERS IN RURAL CALIFORNIA*, *supra* note 91.

¹¹⁷ See, e.g., THE CENTER FOR COMMUNITY SOLUTIONS, *SECURING STABILITY: LEGAL AID'S LASTING IMPACT (EXECUTIVE SUMMARY)*, <https://www.legalaidimpact.org/wp-content/uploads/2019/06/Security-Stability-Executive-Summary-061019-1.pdf> ("When they sought help specifically for a housing legal problem, such as discrimination, public housing and landlord/tenant relationships, 40 percent of people reported an increase in housing stability and 14 percent reported an increase in financial stability."). See also Jake Bittle, *NYC's Legal Assistance Program for Tenants is Saving Thousands from Eviction*, GOTHAMIST (Nov. 15, 2018), <https://gothamist.com/news/nycs-legal-assistance-program-for-tenants-is-saving-thousands-from-eviction>.

¹¹⁸ See, e.g., LAWYERS' COMMITTEE FOR BETTER HOUSING, *LEGAL AID ATTORNEYS MAKE THE DIFFERENCE* (2019), <https://eviction.lcbh.org/sites/default/files/reports/chicago-evictions-3-attorney-representation.pdf> (no eviction order 78 percent of the time with a legal aid attorney (which was better than with a private attorney) versus 22 percent of the time without an attorney).

¹¹⁹ JUDICIAL COUNCIL OF CALIFORNIA, *REPORT TO THE JUDICIAL COUNCIL* (2017), <https://www.courts.ca.gov/documents/lr-2017-JC-Shriver-civil-right-to-counsel.pdf>.

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civil legal aid in the housing context. First, these data indicate that most people who need legal aid are experiencing multiple, intersecting vulnerabilities.

- About three quarters were severely cost-burdened by rent (50 percent or more of income going to pay rent).¹²⁰
- The majority of clients accessing legal services were women (61 percent) and people of color (65 percent); about a third had a high school diploma or less; more than half had a minor at home; more than a third received food subsidies; one fourth experienced disability; and about one fourth had limited proficiency with English.¹²¹
- The median monthly household income for Shriver clients was \$980.¹²²

Second, legal assistance resulted in both procedural benefits and outcomes that favored long-term housing stability.¹²³

- Those with legal counsel were more likely to file answers to eviction notices, and they were less likely to default. In 91 percent of full representation cases,¹²⁴ the client filed an answer, compared to 73 percent in cases where the tenant was unrepresented.
- The client had their case end in default in just 8 percent of full representation cases, as opposed to 26 percent in comparison cases.¹²⁵
- Tenant access to counsel resulted in fewer trials and more settlements: Just 3 percent of unlawful detainer cases went to trial (as opposed to 14 percent of comparison cases), and 67 percent of tenants settled their cases.¹²⁶ Not only are these outcomes better for clients, these procedural benefits reduce court backlogs, thus improving efficiency.¹²⁷

Shriver clients also enjoyed better long-term housing stability, thus establishing that legal assistance generally helped people stay housed.¹²⁸

- Just 6 percent of Shriver clients were formally evicted from their homes, and 46 percent received an adjusted move-out date, giving them more time to find new housing. In 65 percent of cases, Shriver tenants were granted a reduction in or waiver of back-owed rent.¹²⁹
- After a year, among a subsample of tenants, 71 percent of clients were living in a new unit, compared to 43 percent of self-represented tenants.¹³⁰

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ JUDICIAL COUNCIL, *supra* note 119 (A random assignment study examined outcomes of cases with tenants receiving full representation from a Shriver-funded attorney and outcomes of comparison cases with self-represented tenants).

¹²⁴ Full representation is to be differentiated from limited-scope or otherwise truncated services.

¹²⁵ JUDICIAL COUNCIL, *supra* note 119 (comparison cases did not receive Shriver full representation services, instead proceeding in a “business as usual” fashion, which may have included “modest” self-help from the court, but not legal representation).

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

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- Represented clients enjoyed other benefits more often than their unrepresented counterparts: The sealing of the unlawful detainer action from public record (74 percent), not having the case reported to credit agencies (53 percent), or a neutral reference from the landlord (39 percent).¹³¹ These favorable outcomes can have significant and long-lasting impacts because many landlords refuse to rent to someone with a formal eviction on their record.

CALIFORNIA'S RURAL ATTORNEY DESERTS: UNMET NEEDS FOR LEGAL SERVICES FOR HOUSING ISSUES AND BEYOND

The limited data we have about access to justice issues in rural places demonstrate a great need for legal services.¹³³ Nationally, the vast majority (75 percent) of low-income people in rural places faced at least one civil legal issue in a year, while nearly a quarter (23 percent) dealt with six or more such issues.¹³⁴ Most commonly, rural people face civil issues related to health (43 percent), consumer and finance (40 percent), and employment (25 percent).¹³⁵ The majority (86 percent) of issues rural people face get inadequate legal attention or—worse still—no legal assistance at all toward a resolution.¹³⁶ Among low-income rural residents, only 22 percent even look for legal assistance for their civil legal issues.¹³⁷

Attorney Deserts¹³²		
	Attorneys	Residents
Urban	96.11% (189.5k)	86.99% (33m)
Rural	3.72% (7,333)	12.35% (4.7m)
Frontier	0.17% (324)	0.66% (252k)

- Attorneys are more concentrated in urban areas than is the general population.
- This is also reflected in the number of residents per attorney (RPA). California’s average RPA is 193.
 - Urban RPA – 175
 - Rural RPA – 626
 - Frontier RPA – 738
- **Highest RPA:** City and County of San Francisco, 41
- **Lowest RPA:** Kings County, 1364
- Areas with high RPA tend to be high poverty.

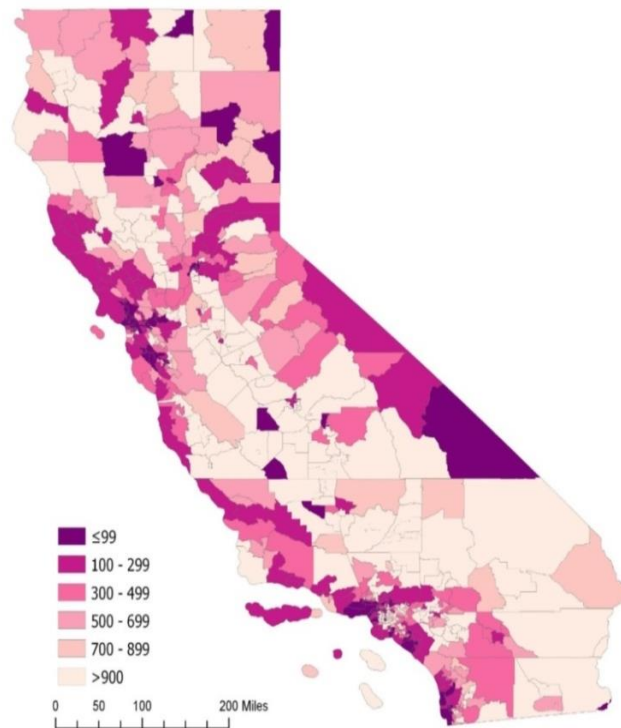
One reason that rural residents rarely get the legal assistance they need is that too few attorneys live and work in rural places.¹³⁸ While about a fifth of the U.S. population resides in rural areas, just 2 percent of small law practices exist there.¹³⁹ Just over 3 percent of California’s 200,000 attorneys have rural addresses.¹⁴⁰ Among the relatively few attorneys who practice in rural California, even fewer provide free or financially accessible services to meet the need.¹⁴¹

¹³¹ *Id.*
¹³² See CALATJ, CALIFORNIA’S ATTORNEY DESERTS, *supra* note 6.
¹³³ *Id.*
¹³⁴ LSC, *supra* note 5.
¹³⁵ *Id.* See also STATE BAR, *supra* note 5.
¹³⁶ LSC, *supra* note 5.
¹³⁷ *Id.*
¹³⁸ Lisa Pruitt et al., *Legal Deserts*, *supra* note 6.
¹³⁹ Pruitt & Showman, *supra* note 9 at 469. See also CALATJ, CALIFORNIA’S ATTORNEY DESERTS, *supra* note 6.
¹⁴⁰ Lisa Pruitt et al., *Legal Deserts*, *supra* note 6.
¹⁴¹ *Id.*

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While the ratio of attorneys to residents in urban areas is 1:175, it drops to 1:626 in rural areas and 1:738 in frontier areas (see Map 1).¹⁴² This stratification in attorney supply is even more dramatic when specific counties are considered: San Francisco County has the highest concentration of lawyers, with an attorney for every 41 people, while Kings County has just one attorney to serve every 1,364 residents.¹⁴³ High poverty rates in regions like the Central Valley and far northern California amplify this lack of access.¹⁴⁴ Technologies like cell service and broadband Internet, for example, could ameliorate such justice gaps, but they are available to a lesser degree than in urban areas.¹⁴⁵

Map 1: Residents per Attorney



Critically, legal aid resources are not evenly distributed.¹⁴⁶ As of 2009, legal aid organizations serving urban counties spent \$44.43 per low-income resident, while legal aid organizations

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ See, e.g., Monica Anderson & Madhumitha Kumar, *Digital divide persists even as lower-income Americans make gains in tech adoption*, PEW RESEARCH (May 7, 2019), <https://www.pewresearch.org/fact-tank/2019/05/07/digital-divide-persists-even-as-lower-income-americans-make-gains-in-tech-adoption>. See also Michele Statz & Lisa R. Pruitt, *To Recognize the Tyranny of Distance: A Spatial Reading of Whole Woman's Health v. Hellerstedt*, 51 ENV'T & PLANNING A: ECON. & SPACE 1106 (2019); Jennifer Levitz & Valerie Bauerlein, *Rural America is Stranded in the Dial-Up Age*, WALL ST. J. (June 15, 2017), <https://www.wsj.com/articles/rural-america-is-stranded-in-the-dial-up-age-1497535841>.

¹⁴⁶ CALATJ, IMPROVING CIVIL JUSTICE IN RURAL CALIFORNIA 11, *supra* note 9.

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serving rural counties spent just over a third of that amount, \$18.56 per low-income resident.¹⁴⁷ Legal aid providers serving mixed urban and rural counties—where the greatest numbers of rural poor are located¹⁴⁸—spent \$26.43 per low-income resident in 2009.¹⁴⁹ Among California's 28 rural counties, 25 were below the state average of \$21.37 per poor person in expenditures on legal services.¹⁵⁰

These data demonstrate a justice gap between rural and urban California.¹⁵¹ This gap is attributable to both the rural-urban funding gap for legal aid and the shortage of lawyers in many rural areas in California. The most direct consequence of these deficits is that legal violations or concerns do not get expert legal attention, and many Californians appear pro se before our state's courts.¹⁵²

Other socio-cultural consequences of the lawyer shortage may accrue. People in rural places may not know their rights, and they may not see the challenges they face as having legal components. As a consequence, rural residents may be less likely to consider the possibility of legal solutions to their problems.¹⁵³ Those without access to assistance in navigating the complex legal system may feel a general lack of agency.¹⁵⁴ In the aggregate, these circumstances create a crisis of access to justice. In sum, robust rural legal aid can ameliorate these problems by assisting rural residents with housing issues, as well as with myriad other issues that impact their economic stability and overall well-being, from healthcare to public benefits to domestic violence.

¹⁴⁷ *Id.*

¹⁴⁸ As noted above, most of the "rural" poor in California live in mixed counties (574,059), like Fresno, Merced, and El Dorado, compared to rural counties (260,017), like Trinity and Modoc, due to the greater populations in "mixed" counties. Mixed counties have 66.5 percent of the state's rural poor. Funding schemes ought to take this fact into account.

¹⁴⁹ *Id.* At the time of the 2009 calculations, we sorted counties into just three categories, "rural," "urban" and "mixed urban and rural," whereas our latest taxonomy created two mixed categories, "rural-urban mixed" (more rural) and "urban-rural mixed" (less rural), in addition to "rural" and "urban." See Page 6 and *infra* note 181.

¹⁵⁰ Letter from CalATJ to LSTF Commissioners, Oct. 12, 2016 (on file with Harvard Law Library).

¹⁵¹ The State Bar of California will be issuing a comprehensive statewide study on the justice gap in California by the end of 2019. This study was conducted using the same household panel survey model that provided data for the 2017 LSC Justice Gap study, as well as looking at turn away rates by legal services providers in California. This study also will address the differences in rural versus urban California.

¹⁵² See generally Robin Runge, *Addressing the Access to Justice Crisis in Rural America*, A.B.A. HUM. RTS. MAG. (2014),

https://www.americanbar.org/publications/human_rights_magazine_home/2014_vol_40/vol_40_no_3_poverty/access_justice_rural_america/; Pruitt & Showman, *supra* note 9.

¹⁵³ LSC, *supra* note 5. See, e.g., REBECCA SANDEFUR, *ACCESSING JUSTICE IN THE CONTEMPORARY USA*, *supra* note 5.

¹⁵⁴ Lisa Pruitt et al., *Legal Deserts*, *supra* note 6.

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RECOMMENDATIONS AND OVERVIEW OF CURRENT POLICY LANDSCAPE

Legal protections for renters and homeowners go hand-in-hand with access to legal aid.¹⁵⁵ As the Shriver Act data summarized above illustrate, counsel is vital to protecting the rights of homeowners and renters. Laws that protect both homeowners and renters help keep people housed. When violations to such protections occur, civil legal aid attorneys can identify the violations and seek remedies. Alleviating California's housing crisis—including in small towns and rural areas—requires both sound laws and policies as well as meaningful and consistent access to legal services. We suggest the following reforms to better protect California's low-income and modest-means residents, with special attention to those who live in rural areas.

i. Codify Laws that Protect Rural Low-Income Renters and Homeowners

The central issue with existing law and policy is that many of the potential fixes to the housing crisis—like rent control or a right to counsel—are being put into place in urban areas, leaving rural areas with the status quo. Generally, state and local jurisdictions enact legal protections to control rent increases and ensure that landlords have a valid reason for evicting a tenant.¹⁵⁶ One critical protection is rent control, which generally limits how much a landlord can raise rent while a tenant is in a rental unit.¹⁵⁷ Another protection is to require “just cause” evictions, which means that a landlord must have a legitimate reason (like failure to pay rent) to evict a tenant.¹⁵⁸ The problem for rural residents is that these protections have typically only been available in urban centers, not rural areas.¹⁵⁹ Indeed, less than 1 percent of California's cities have a local rent control policy.¹⁶⁰ Importantly, the answer could be statewide policy changes to ensure such protections are brought to rural areas: Governor Newsom signed into law a statewide rent cap in September 2019 (with a just cause mandate as well) with Assembly Bill

¹⁵⁵ See, e.g., AMEE CHEW & SARAH TREUHART, OUR HOMES, OUR FUTURE (2019), <https://www.policylink.org/resources-tools/our-homes-our-future>; PUBLIC COUNSEL & UCLA SCHOOL OF LAW ECONOMIC DEVELOPMENT CLINIC, PRICED OUT (2019), <http://www.publiccounsel.org/tools/assets/files/1188.pdf>; EBASE, *supra* note 1.

¹⁵⁶ Overall, relatively few California municipalities have rent control laws, and those that do tend to be major cities like San Francisco, Oakland, and Los Angeles. Smaller cities with rent control policies tend to be in the Bay Area, e.g., Fremont, Hayward, and Berkeley, and greater Los Angeles area, e.g., West Hollywood and Santa Monica. Eric Escalante, *5 rent-controlled cities in California*, ABC (Sept. 5, 2018), <https://www.abc10.com/article/news/local/5-rent-controlled-cities-in-california/103-591256565>; Kacey Gardner, *Rent Control is Coming to California's November Ballot. Here's What's at Stake*, CAPITAL PUBLIC RADIO (June 20, 2018), <http://www.capradio.org/articles/2018/06/20/rent-control-is-coming-to-californias-november-ballot-heres-whats-at-stake/>. Proposition 10, which would have ended rent control limits across the state, was rejected by voters in 2018. Liam Dillon, *Voters Reject Proposition 10, Halting Effort to Expand Rent Control Across the State*, LA TIMES (Nov. 6, 2018), <https://www.latimes.com/politics/la-pol-ca-proposition-10-rent-control-20181106-story.html>. Just Causes for Eviction, San Francisco Tenants Union, <https://www.sftu.org/justcauses/>.

¹⁵⁷ Karim Doumar, *Rent Control is Gaining Steam in California*, CITYLAB (July 26, 2018), <https://www.citylab.com/life/2018/07/rent-control-is-gaining-steam-in-california/565856/>.

¹⁵⁸ Gardner, *supra* note 158.

¹⁵⁹ *Tenant Protections*, ANTI-EVICTION MAPPING PROJECT, <http://antievictionmap.maps.arcgis.com/apps/MapSeries/index.html?appid=9648a716c1514755b7e633837610dc> b5.

¹⁶⁰ Only 20 out of 482 cities in California have rent control. *Id.*

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1482, which will impact rural areas of the state that do not have their own local laws.¹⁶¹ Because it is unlikely that rural jurisdictions will enact such laws on their own, it is important to develop, support, and *enforce* legal protections like this at the state level.

Additionally, while effective,¹⁶² the “right to counsel” movement has largely produced policy change in urban areas. One place-specific law protects tenants by ensuring access to an attorney, akin to a public defender but in civil housing cases. San Francisco’s Proposition F, which provides a free eviction defense attorney to any city resident, is an example of a law that ensures each person who is being evicted has a fair chance at fighting the eviction through the legal system.¹⁶³ But, this law is one-of-a-kind in California, at least as of now. Though Los Angeles does not have such a law yet,¹⁶⁴ it has taken extraordinary steps to protect renters, having spent almost \$9 million in 2018 on a combination of counseling and legal and financial assistance for city residents facing eviction.¹⁶⁵ Like with rent control, creating a right to counsel for housing cases in rural areas appears less likely than in urban centers like San Francisco and Los Angeles, which means a statewide right could be the solution to reach these areas.

Last, legal aid offices do more than provide direct services in rural areas—they advocate for housing reform on the local level. For example, the Public Interest Law Project (PILP) worked with legal aid partners such as Legal Services of Northern California (LSNC) and Central California Legal Services (CCLS) to advocate the adoption of so-called “housing elements,”¹⁶⁶

¹⁶¹ Conor Dougherty & Luis Ferré-Sadurní, *California Approves Statewide Rent Control to Ease Housing Crisis*, NY TIMES (Sept. 11, 2019), https://www.nytimes.com/2019/09/11/business/economy/california-rent-control.html?te=1&nl=morning-briefing&emc=edit_NN_p_20190912§ion=whatElse?campaign_id=9&instance_id=12323&segment_id=16950&user_id=9254232a2e8248bbb7ff6bc83498cc8c®i_id=96968468ion=whatElse. However, before the law goes into effect on January 1, 2020, there is currently a “rising tide” of eviction notices. See *Widespread Evictions Reported Before California Rent Cap Law Takes Effect Jan. 1*, TIMES OF SAN DIEGO (Oct. 27, 2019), <https://timesofsandiego.com/business/2019/10/27/widespread-evictions-reported-before-california-rent-cap-law-takes-effect-jan-1/>.

¹⁶² In regard to New York City’s tenant legal services program, evictions have gone down by 27 percent since 2013. In 2018 alone, evictions went down 5 percent. Office of Civil Justice New York City Human Resources Administration, *Universal Access to Legal Services A Report on Year One of Implementation in New York City* (2018), NEW YORK CITY HUMAN RESOURCES, <https://www1.nyc.gov/assets/hra/downloads/>. See also PUBLIC COUNSEL, *supra* note 155.

¹⁶³ Adam Brinklow, *SF Voters Guarantee Lawyers for Evicted Tenants*, SF CURBED (June 7, 2018), <https://sf.curbed.com/2018/6/7/17437548/san-francisco-prop-election-eviction-lawyer>.

¹⁶⁴ Los Angeles is in the process of potentially enacting such a right. See *All About the Eviction Right to Counsel Efforts in Los Angeles*, NATIONAL COALITION FOR A CIVIL RIGHT TO COUNSEL (updated September 10, 2019), http://civilrighttocounsel.org/major_developments/1273.

¹⁶⁵ Teresa Wiltz, *How Free Legal Help Can Prevent Evictions*, PEW (Oct. 27, 2017), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/10/27/how-free-legal-help-can-prevent-evictions>.

¹⁶⁶ “Housing elements” refers to the fact that “local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) . . . housing development. As a result, housing policy in California rests largely on the effective implementation of local general plans and, in particular, local housing elements.” See, e.g., *Regional Housing Needs Allocation and Housing Elements*, CA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT.

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including implementation of programs like “upzoning” (the rezoning of an area to permit residential and higher density use).¹⁶⁷ LSNC and CCLS advocacy has resulted in the designation of sites for affordable housing development in parts of Shasta and Fresno counties as well as the adoption of a mobile home preservation ordinance in Shasta County.¹⁶⁸

ii. Fund Legal Aid Robustly, and in a Geographically Equitable Fashion

The California Commission on Access to Justice (CalATJ) has been on the vanguard of raising awareness about rural barriers to legal assistance, including advocating for building a legal aid system that ensures services reach rural Californians. In 2010, the Commission released *Improving Civil Justice in Rural California*, an in-depth look at the needs of rural communities for legal services, which contended that distribution of legal aid funding must be made more geographically equitable.¹⁶⁹ The report spoke to the great need for legal services in rural places as well as shortcomings in the current funding distribution schemes. The current funding formula leaves legal aid providers serving rural parts of the state without sufficient resources to meet the high cost of serving residents who are not concentrated in population clusters and who have less access to technology¹⁷⁰ than their urban counterparts. These deficits leave low-income rural Californians unable to get meaningful redress for the array of issues they face, including housing and the myriad other issues often associated with threats to housing stability (e.g., access to medical care and public benefits, domestic violence).¹⁷¹

The 2010 report called for a number of solutions that are still highly relevant, most notably: (1) geographic equity in access to justice; (2) increased rural funding that does not diminish urban resources for rural legal aid; and (3) creating minimum access guidelines defining the baseline for funding.¹⁷² Other recommendations included using technology to bridge the urban/rural divide, utilizing pro bono to provide services in rural places, and convening rural access task forces.¹⁷³ In short, many of the same issues present now were also present when that report was published nearly a decade ago; many of the solutions proposed in 2010 remain highly relevant, too. Thus, in a 2016 letter to the Legal Services Trust Fund Commission of the State Bar of California, CalATJ advocated for a shift in funding streams to ensure that rural communities receive what they need to better serve more people,¹⁷⁴ consistent with the 2010 call for increased funding to legal aid organizations serving rural areas.

¹⁶⁷ See Sarah Holder & Kriston Capps, *The Push for Denser Zoning is Here to Stay*, CITYLAB (May 21, 2019), <https://www.citylab.com/equity/2019/05/residential-zoning-affordable-housing-upzoning-real-estate/588310/>.

¹⁶⁸ Email (July 11, 2019) with Executive Director of the Public Interest Law Project (PILP) on file with the Legal Aid Association of California (LAAC).

¹⁶⁹ CALATJ, *IMPROVING CIVIL JUSTICE IN RURAL CALIFORNIA*, *supra* note 9.

¹⁷⁰ See, e.g., Anderson & Kumar, *supra* note 145.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ CALATJ, *IMPROVING CIVIL JUSTICE IN RURAL CALIFORNIA* 11, *supra* note 9.

¹⁷⁴ Letter from CCATJ to LSTF Commissioners, Oct. 12, 2016 (on file with Harvard Law Library).

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In alignment with CalATJ’s prior recommendations, we continue to support a number of strategies for strengthening the legal aid delivery system while making its funding more geographically equitable. First, ensuring funding schemes maximize the ability of rural organizations to serve rural constituencies would promote stabilization and housing security for low-income individuals and families across the state’s rural regions.

Such a funding stream would ensure—on a per capita basis—that rural residents have access to legal services funded on par with urban residents.

This would mean earmarking new funds for rural projects because urban Californians already get the benefit of additional funding streams, due largely to their proximity

to private philanthropy, law firms, and individual donors. Funding allocations ought to be per capita because people access services individually. Two funding streams, the Interest on Lawyers Trust Account (IOLTA) grants and the Equal Access Fund (EAF) grants, both created by the Legislature and distributed by the State Bar’s Legal Services Trust Fund Commission, are allocated on the basis of such a formula: An amount is allocated to the county of residence of every person living at 125 percent of poverty or lower. Those county-level funds are then further divided among organizations providing legal services within that county.

Many legal aid leaders and the California Commission on Access to Justice advocate for increasing IOLTA and EAF funding because those funding streams inure to the benefit of all Californians, both rural and urban.¹⁷⁵ Increasing funding and distributing funding in a more geographically equitable way need not mean a decrease in funding for urban or suburban civil legal aid; rather, it means building a more equitable system with greater resources overall to do legal aid work across the state and finding those new funding sources to bridge the urban rural divide. CalATJ, through its Rural Access Committee (formerly known as the Rural Task Force), has consistently advocated for prioritizing rural organizations when discretionary funds are available.

CRLA handled a case in which a landlord of USDA rural development housing was seeking to evict a low-income tenant with a disability; the stated basis for the eviction was failure to prequalify for housing. When management of the housing complex changed, the new manager incorrectly alleged that the tenant had failed to qualify for the USDA program, and they charged her market rate rent and initiated eviction proceedings. When informal negotiations with the housing provider failed, CRLA insisted on a jury trial, made discovery demands, and demonstrated willingness to go to trial. When faced with a real fight instead of an unrepresented tenant, the housing provider dismissed the case, agreed to credit the overpaid rent to future rent, and dropped the claim. Without legal assistance, the tenant would most likely be homeless.

¹⁷⁵ See Distribution of Rural Poverty Data 2015 (Meeker), *supra* note 25 and Appendix A.

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Finally, in his May 2019 Revised Budget, Governor Newsom included \$20 million in new funding for homelessness prevention work, in addition to ongoing EAF grants.¹⁷⁶ Twenty-five percent of that funding is earmarked for competitive grants, for which “preference shall be given to qualified legal aid agencies that serve rural or underserved communities and that serve clients regardless of immigration or citizenship status.”¹⁷⁷ The August 2019 announcement that Governor Newsom will be directing \$331 million into housing-related legal aid represents an opportunity as well, for both urban and rural efforts to increase funding.¹⁷⁸

In sum, we need funding streams that ensure, on a per capita basis, that each rural resident has access to legal services funded on par with services available to urban residents. A blanket amount of funding per county fails to take into account how many resources are allocated for each person. Increased funding and more geographically equitable allocation of funding need not decrease funding for urban or suburban civil legal aid. Instead, it means building a more equitable and robustly funded system equipped to deliver adequate legal aid to all Californians, wherever they reside.

¹⁷⁶ Budget Act of 2019, AB 74, Provision 6(b),
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB74.

¹⁷⁷ *Id.*

¹⁷⁸ Alexei Koseff, *Newsom puts \$331 million from settlement into legal aid for housing*, S.F. CHRON. (Aug. 7, 2019),
<https://www.sfchronicle.com/politics/article/Newsom-puts-331-million-from-settlement-into-14287926.php?psid=hEKzF>.

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CONCLUSION

In *Evicted*, Matthew Desmond contends that legal aid is an incredibly important element in the fight against unjust and unnecessary evictions, particularly given the fact that so often landlords are represented and tenants are not.¹⁷⁹ Desmond argues that one solution is the creation of “publicly funded legal services for low-income families in housing court,” as a “cost-effective measure that would prevent homelessness, decrease evictions, and give poor families a fair shake.”¹⁸⁰ In the context of the housing crisis, access to a free lawyer is ever-more important to low-income Californians. Access to safe, affordable housing is not an isolated issue; rather, it is foundational to fighting socioeconomic inequality across the state, in rural places as well as urban ones.

California must continue to promulgate housing policies that recognize the needs of all types of communities—urban, suburban, *and* rural. Statewide rent control laws, such as those just passed by Governor Newsom, are extremely important because they protect rural renters as well as urban ones. *We must make sure these laws are actually enforced on behalf of tenants.* It is similarly imperative to ensure that increased legal aid funding is more equitably distributed to ensure rural needs are met—whether those needs are within metropolitan counties (e.g., Fresno and Kern) or non-metropolitan ones (e.g., Lake and Del Norte). The need for services is tremendous. Civil legal aid is an essential element of any strategy for fighting poverty, keeping people housed, and building an equitable California for all. Now is the time to ensure the state’s legal aid organizations have the resources they need to meet the legal needs of low-income rural Californians.

¹⁷⁹ DESMOND, *supra* note 46 at 303.

¹⁸⁰ *Id.*

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Appendix A: Distribution of Rural Poverty in California Counties (2015)¹⁸¹

County	Number of rural residents living below the poverty line	% of those living below the poverty line who live in rural areas	County Population (2015) ¹⁸²	County Poverty Level (2015) ¹⁸³	Number of urban residents living below the poverty line	% of those living below the poverty line who live in urban areas	Rural Poor as a % of County's Population	Urban Poor as a % of County's Population
<i>Rural</i>								
Madera	40,300	100.0%	153,187	22.6%	0	0%	26.3%	0%
Imperial	38,935	100.0%	178,206	24.3%	0	0%	21.8%	0%
Humboldt	30,373	100.0%	135,034	20.9%	0	0%	22.5%	0%
Mendocino	17,395	100.0%	87,544	20.3%	0	0%	19.9%	0%
Yuba	15,926	100.0%	73,437	21.6%	0	0%	21.7%	0%
Sutter	15,824	100.0%	95,247	17.5%	0	0%	16.6%	0%
Lake	15,395	100.0%	64,158	20.5%	0	0%	24.0%	0%
Nevada	12,163	100.0%	98,570	12.4%	0	0%	12.3%	0%
Tehama	11,604	100.0%	63,152	22.5%	0	0%	18.4%	0%
Siskiyou	9,945	100.0%	43,895	22.6%	0	0%	22.7%	0%
Tuolumne	7,444	100.0%	54,079	14.5%	0	0%	13.8%	0%
San Benito	6,864	100.0%	57,557	9.3%	0	0%	11.9%	0%
Glenn	5,517	100.0%	28,029	18.5%	0	0%	19.7%	0%

¹⁸¹ Distribution of Rural Poverty Data 2015 (Meeker), *supra* note 25. Counties designated as "Rural" are those in which all individuals living below the official poverty line live in rural or frontier Medical Service Study Areas (MSSAs). For more information on the MSSA designations, *see supra* note 29. "Rural-Urban Mixed Counties" are those where 15% to 99% of those living below the official poverty line live in rural or frontier MSSAs. "Urban-Rural Mixed Counties" are those where at least 3% but less than 15% of those living below the official poverty line live in rural or frontier MSSAs. "Urban Counties" are those where more than 97% of individuals living below the official poverty line live in urban MSSAs.

¹⁸² *Age and Sex*, U.S. CENSUS BUREAU (2015),

https://data.census.gov/cedsci/table?g=0400000US06.050000&table=S0101&tid=ACST1Y2015.S0101&y=2015&t=Populations%20and%20People&hidePreview=false&vintage=2015&layer=county&cid=S0101_C01_001E&lastDisplayedRow=30.

¹⁸³ *Small Area Income and Poverty Estimates (SAIPE)*, U.S. CENSUS BUREAU (2015), [https://www.census.gov/data-](https://www.census.gov/data-tools/demo/saipe/#/?map_geoSelector=aa_c&s_measures=aa_snc&s_year=2017,2015&s_state=06&s_county=&map_yearSelector=2015)

[tools/demo/saipe/#/?map_geoSelector=aa_c&s_measures=aa_snc&s_year=2017,2015&s_state=06&s_county=&map_yearSelector=2015](https://www.census.gov/data-tools/demo/saipe/#/?map_geoSelector=aa_c&s_measures=aa_snc&s_year=2017,2015&s_state=06&s_county=&map_yearSelector=2015).

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Appendix A: Distribution of Rural Poverty in California Counties (2015)

County	Number of rural residents living below the poverty line	% of those living below the poverty line who live in rural areas	County Population (2015)	County Poverty Level (2015)	Number of urban residents living below the poverty line	% of those living below the poverty line who live in urban areas	Rural Poor as a % of County's Population	Urban Poor as a % of County's Population
Del Norte	5,468	100.0%	27,788	23.3%	0	0%	19.7%	0%
Calaveras	5,352	100.0%	44,767	13.0%	0	0%	12.0%	0%
Lassen	3,741	100.0%	32,645	17.1%	0	0%	11.5%	0%
Colusa	3,068	100.0%	21,396	13.2%	0	0%	14.3%	0%
Plumas	3,006	100.0%	18,966	13.8%	0	0%	15.8%	0%
Mariposa	2,902	100.0%	17,789	15.2%	0	0%	16.3%	0%
Trinity	2,489	100.0%	13,373	19.7%	0	0%	18.6%	0%
Inyo	2,445	100.0%	18,373	12.4%	0	0%	13.3%	0%
Modoc	1,892	100.0%	9,184	20.3%	0	0%	20.6%	0%
Mono	704	100.0%	14,146	11.2%	0	0%	5.0%	0%
Amador	599	100.0%	36,995	13.1%	0	0%	1.6%	0%
Sierra	487	100.0%	3,021	13.8%	0	0%	16.1%	0%
Alpine	179	100.0%	1,131	19.0%	0	0%	15.8%	0%
<i>Total</i>	260,017		1,391,669		0			
<i>Rural-Urban Mixed Counties</i>								
Fresno	89,359	35.0%	956,749	25.2%	165,660	65%	9.3%	17.31%
Tulare	72,909	59.7%	454,033	27.2%	49,135	40%	16.1%	10.82%
Kern	55,436	28.6%	865,736	21.9%	138,166	71%	6.4%	15.96%
Merced	47,152	71.9%	263,885	25.9%	18,400	28%	17.9%	6.97%
Stanislaus	35,105	33.5%	527,367	19.5%	69,681	66%	6.7%	13.21%
San Luis Obispo	33,997	89.2%	276,517	14.4%	4,124	11%	12.3%	1.49%

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Appendix A: Distribution of Rural Poverty in California Counties (2015)

County	Number of rural residents living below the poverty line	% of those living below the poverty line who live in rural areas	County Population (2015)	County Poverty Level (2015)	Number of urban residents living below the poverty line	% of those living below the poverty line who live in urban areas	Rural Poor as a % of County's Population	Urban Poor as a % of County's Population
Monterey	28,228	40.4%	428,441	15.3%	41,670	60%	6.6%	9.73%
Ventura	17,556	19.1%	840,833	9.9%	74,356	81%	2.1%	8.84%
Butte	16,817	42.4%	222,564	21.4%	22,816	58%	7.6%	10.25%
Santa Barbara	15,531	22.5%	435,850	15.6%	53,422	77%	3.6%	12.26%
Shasta	14,438	45.7%	178,942	19.0%	17,178	54%	8.1%	9.60%
El Dorado	14,018	75.8%	182,093	9.1%	4,479	24%	7.7%	2.46%
Sonoma	10,340	17.3%	495,078	11.0%	49,376	83%	2.1%	9.97%
Kings	10,140	33.5%	150,998	22.4%	20,104	66%	6.7%	13.31%
Napa	4,474	32.1%	140,295	10.1%	9,474	68%	3.2%	6.75%
Total	465,500		6,419,381		738,041			
<i>Urban-Rural Mixed Counties</i>								
San Bernardino	55,541	14.3%	2,094,769	18.9%	333,496	86%	2.7%	15.92%
San Joaquin	15,414	11.6%	708,554	17.5%	117,572	88%	2.2%	16.59%
Santa Clara	14,417	8.0%	1,868,149	8.3%	165,736	92%	0.8%	8.87%
Riverside	13,284	3.5%	2,298,032	16.2%	363,453	96%	0.6%	15.82%
Contra Costa	6,603	5.5%	1,096,068	10.2%	114,171	95%	0.6%	10.42%
Solano	6,046	11.3%	425,753	12.0%	47,271	89%	1.4%	11.10%
Placer	4,719	14.7%	366,280	8.6%	27,299	85%	1.3%	7.45%
Santa Cruz	4,605	11.7%	269,278	15.4%	34,647	88%	1.7%	12.87%

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Appendix A: Distribution of Rural Poverty in California Counties (2015)

County	Number of rural residents living below the poverty line	% of those living below the poverty line who live in rural areas	County Population (2015)	County Poverty Level (2015)	Number of urban residents living below the poverty line	% of those living below the poverty line who live in urban areas	Rural Poor as a % of County's Population	Urban Poor as a % of County's Population
Yolo	1,849	4.7%	207,320	17.5%	37,484	95%	0.9%	18.08%
San Mateo	1,660	3.0%	748,731	8.4%	54,012	97%	0.2%	7.21%
Marin	1,214	5.5%	258,349	7.5%	20,703	94%	0.5%	8.01%
<i>Total</i>	125,352		10,341,283		1,315,844			
<i>Urban Counties</i>								
Los Angeles	21,335	1.2%	10,038,388	16.7%	1,784,327	99%	0.2%	17.78%
San Diego	12,982	2.8%	3,223,096	13.9%	442,873	97%	0.4%	13.74%
Alameda	1,979	1.0%	1,584,983	11.5%	195,212	99%	0.1%	12.32%
Sacramento	1,925	0.8%	1,465,832	16.9%	249,503	99%	0.1%	17.02%
Orange	0	0.0%	3,116,069	12.7%	391,705	100%	0.0%	12.57%
San Francisco	0	0.0%	840,763	12.4%	108,328	100%	0.0%	12.88%
<i>Total</i>	38,221		20,269,131		3,171,948			
Totals								
	889,090		38,421,464		5,225,833			

Percent of California's Rural Poor by County Type	
<i>Rural Counties</i>	29.3% of the rural poor
<i>Rural-Urban Mixed Counties</i>	52.4% of the rural poor
<i>Urban-Rural Mixed Counties</i>	14.1% of the rural poor
<i>Urban Counties</i>	4.3% of the rural poor

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Appendix B: Cost-Burden of Housing for All California Households¹⁸⁴						
County	Metro Area	% of Metro Area Households with Cost Burdens	% of Metro Area Households with Severe Cost Burdens	# of Metro Area Households with Cost Burdens	Median Household Income in Metro Area	Median Monthly Housing Costs in Metro Area
Alameda	San Francisco-Oakland- Hayward	37.0%	18.0%	622,130	\$100,000	\$2,060
Alpine		Unavailable				
Amador		Unavailable				
Butte	Chico	40.0%	17.0%	35,193	\$47,400	\$971
Calaveras		Unavailable				
Colusa		Unavailable				
Contra Costa	San Francisco-Oakland- Hayward	37.0%	18.0%	622,130	\$100,000	\$2,060
Del Norte	Crescent City	32.0%	14.0%	3,315	\$47,200	\$790
El Dorado	Sacramento-Roseville-Arden Arcade	39.0%	18.0%	322,641	\$68,000	\$1,406
Fresno	Fresno	38.0%	20.0%	115,614	\$51,400	\$1,060
Glenn		Unavailable				
Humboldt	Eureka-Arcata -Fortuna	43.0%	22.0%	23,204	\$44,800	\$940
Imperial	El Centro	37.0%	19.0%	16,310	\$48,700	\$980
Inyo		Unavailable				
Kern	Bakersfield	40.0%	19.0%	106,942	\$48,000	\$1,019
Kings	Hanford-Corcoran	34.0%	14.0%	14,468	\$56,000	\$1,010

¹⁸⁴ *Many Households Burdened by Housing Costs in 2017*, JCHS *supra* note 21. This table includes both households that rent and own. County rows are marked as unavailable under the cost burden column where data are unavailable for that county in this source.

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Appendix B: Cost-Burden of Housing for All California Households						
County	Metro Area	% of Metro Area Households with Cost Burdens	% of Metro Area Households with Severe Cost Burdens	# of Metro Area Households with Cost Burdens	Median Household Income in Metro Area	Median Monthly Housing Costs in Metro Area
Lake	Clearlake	39.0%	21.0%	9,979	\$51,000	\$1,010
Lassen	Susanville	32.0%	14.0%	4,052	\$47,200	\$790
Los Angeles	Los Angeles- Long Beach- Anaheim	46.0%	24.0%	1,998,052	\$69,300	\$1,635
Madera	Madera	43.0%	23.0%	20,117	\$49,000	\$1,064
Marin	San Francisco- Oakland- Hayward	37.0%	18.0%	622,130	\$100,000	\$2,060
Mariposa		Unavailable				
Mendocino	Ukiah	39.0%	21.0%	13,557	\$51,900	\$1,010
Merced	Merced	41.0%	19.0%	33,257	\$47,000	\$1,030
Modoc		Unavailable				
Mono		Unavailable				
Monterey	Salinas	43.0%	20.0%	54,677	\$72,000	\$1,620
Napa	Napa	34.0%	13.0%	16,072	\$85,000	\$1,820
Nevada	Truckee-Grass Valley	42.0%	19.0%	17,634	\$60,000	\$1,445
Orange	Los Angeles- Long Beach- Anaheim	46.0%	24.0%	1,998,052	\$69,300	\$1,635
Placer	Sacramento- Roseville- Arden Arcade	39.0%	18.0%	322,641	\$68,000	\$1,406
Plumas		Unavailable				
Riverside	Riverside- San Bernardino- Ontario	42.0%	20.0%	559,068	\$61,300	\$1,387

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Appendix B: Cost-Burden of Housing for All California Households						
County	Metro Area	% of Metro Area Households with Cost Burdens	% of Metro Area Households with Severe Cost Burdens	# of Metro Area Households with Cost Burdens	Median Household Income in Metro Area	Median Monthly Housing Costs in Metro Area
Sacramento	Sacramento-Roseville-Arden Arcade	39.0%	18.0%	322,641	\$68,000	\$1,406
San Benito	San Jose-Sunnyvale- Santa Clara	36.0%	17.0%	231,215	\$116,400	\$2,317
San Bernardino	Riverside- San Bernardino-Ontario	42.0%	20.0%	559,068	\$61,300	\$1,387
San Diego	San Diego-Carlsbad	43.0%	20.0%	479,691	\$75,000	\$1,752
San Francisco	San Francisco-Oakland- Hayward	37.0%	18.0%	622,130	\$100,000	\$2,060
San Joaquin	Stockton-Lodi	40.0%	20.0%	89,988	\$60,000	\$1,292
San Luis Obispo	San Luis Obispo-Paso Robles-Arroyo Grande	41.0%	21.0%	42,373	\$70,000	\$1,550
San Mateo	San Francisco-Oakland- Hayward	37.0%	18.0%	622,130	\$100,000	\$2,060
Santa Barbara	Santa Maria- Santa Barbara	42.0%	21.0%	61,864	\$71,000	\$1,645
Santa Clara	San Jose-Sunnyvale- Santa Clara	36.0%	17.0%	231,215	\$116,400	\$2,317

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Appendix B: Cost-Burden of Housing for All California Households						
County	Metro Area	% of Metro Area Households with Cost Burdens	% of Metro Area Households with Severe Cost Burdens	# of Metro Area Households with Cost Burdens	Median Household Income in Metro Area	Median Monthly Housing Costs in Metro Area
Santa Cruz	Santa Cruz-Watsonville	41.0%	21.0%	38,979	\$78,000	\$1,804
Shasta	Redding	38.0%	19.0%	27,613	\$52,000	\$1,010
Sierra		Unavailable				
Siskiyou		Unavailable				
Solano	Vallejo-Fairfield	40.0%	17.0%	60,223	\$77,200	\$1,710
Sonoma	Santa Rosa	41.0%	18.0%	77,395	\$79,500	\$1,700
Stanislaus	Modesto	37.0%	17.0%	64,354	\$56,000	\$1,190
Sutter	Yuba City	34.0%	15.0%	20,049	\$59,500	\$1,095
Tehama	Red Bluff	37.0%	18.0%	8,776	\$43,000	\$850
Trinity		Unavailable				
Tulare	Visalia-Porterville	42.0%	22.0%	58,111	\$45,000	\$968
Tuolumne	Sonora	34.0%	18.0%	7,502	\$56,000	\$1,130
Ventura	Oxnard- Thousand Oaks- Ventura	42.0%	19.0%	115,565	\$82,000	\$1,845
Yolo	Sacramento-Roseville-Arden Arcade	39.0%	18.0%	322,641	\$68,000	\$1,406
Yuba	Yuba City	34.0%	15.0%	20,049	\$59,500	\$1,095

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Appendix C: Cost-Burden of Housing for California Renters¹⁸⁵						
County	Metro Area	% of Metro Area Renter Households with Cost Burdens	% of Metro Area Renter Households with Severe Cost Burdens	# of Metro Area Renter Households with Cost Burdens	Metro Area Median Renter Household Income	Metro Area Median Renter Monthly Housing Costs
Alameda	San Francisco-Oakland-Hayward	45.0%	24.0%	347,785	\$73,150	\$1,860
Alpine		Unavailable				
Amador		Unavailable				
Butte	Chico	52.0%	25.0%	19,505	\$37,000	\$1,000
Calaveras		Unavailable				
Colusa		Unavailable				
Contra Costa	San Francisco-Oakland-Hayward	45.0%	24.0%	347,785	\$73,150	\$1,860
Del Norte	Crescent City	44.0%	22.0%	1,543	\$30,000	\$800
El Dorado	Sacramento-Roseville-Arden Arcade	53.0%	28.0%	174,448	\$44,300	\$1,260
Fresno	Fresno	52.0%	29.0%	75,014	\$34,000	\$950
Glenn		Unavailable				
Humboldt	Eureka-Arcata-Fortuna	57.0%	28.0%	12,839	\$28,400	\$860
Imperial	El Centro	50.0%	28.0%	8,527	\$26,600	\$850
Inyo		Unavailable				

¹⁸⁵ *Id.*

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Appendix C: Cost-Burden of Housing for California Renters						
County	Metro Area	% of Metro Area Renter Households with Cost Burdens	% of Metro Area Renter Households with Severe Cost Burdens	# of Metro Area Renter Households with Cost Burdens	Metro Area Median Renter Household Income	Metro Area Median Renter Monthly Housing Costs
Kern	Bakersfield	53.0%	27.0%	59,149	\$34,900	\$958
Kings	Hanford-Corcoran	47.0%	19.0%	8,920	\$32,000	\$860
Lake	Clearlake	46.0%	24.0%	3,856	\$40,400	\$1,023
Lassen	Susanville	44.0%	22.0%	1,886	\$30,000	\$800
Los Angeles	Los Angeles- Long Beach- Anaheim	57.0%	31.0%	1,266,992	\$49,540	\$1,480
Madera	Madera	59.0%	35.0%	8,994	\$30,200	\$977
Marin	San Francisco- Oakland- Hayward	45.0%	24.0%	347,785	\$73,150	\$1,860
Mariposa						
Mendocino	Ukiah	46.0%	24.0%	5,239	\$40,400	\$1,023
Merced	Merced	52.0%	27.0%	21,626	\$36,000	\$990
Modoc		Unavailable				
Mono		Unavailable				
Monterey	Salinas	51.0%	27.0%	30,725	\$55,000	\$1,490
Napa	Napa	48.0%	21.0%	7,562	\$63,400	\$1,820
Nevada	Truckee-Grass Valley	59.0%	26.0%	5,622	\$35,200	\$1,130
Orange	Los Angeles- Long Beach- Anaheim	57.0%	31.0%	1,266,992	\$49,540	\$1,480
Placer	Sacramento- Roseville-Arden Arcade	53.0%	28.0%	174,448	\$44,300	\$1,260

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Appendix C: Cost-Burden of Housing for California Renters						
County	Metro Area	% of Metro Area Renter Households with Cost Burdens	% of Metro Area Renter Households with Severe Cost Burdens	# of Metro Area Renter Households with Cost Burdens	Metro Area Median Renter Household Income	Metro Area Median Renter Monthly Housing Costs
Plumas		Unavailable				
Riverside	Riverside- San Bernardino- Ontario	57.0%	30.0%	280,634	\$41,500	\$1,280
Sacramento	Sacramento- Roseville- Arden Arcade	53.0%	28.0%	174,448	\$44,300	\$1,260
San Benito	San Jose- Sunnyvale- Santa Clara	45.0%	23.0%	126,879	\$87,600	\$2,190
San Bernardino	Riverside- San Bernardino- Ontario	57.0%	30.0%	280,634	\$41,500	\$1,280
San Diego	San Diego- Carlsbad	56.0%	29.0%	291,253	\$53,000	\$1,590
San Francisco	San Francisco- Oakland- Hayward	45.0%	24.0%	347,785	\$73,150	\$1,860
San Joaquin	Stockton- Lodi	57.0%	30.0%	55,773	\$39,000	\$1,150
San Luis Obispo	San Luis Obispo- Paso Robles- Arroyo Grande	53.0%	31.0%	22,072	\$50,000	\$1,415
San Mateo	San Francisco- Oakland- Hayward	45.0%	24.0%	347,785	\$73,150	\$1,860

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Appendix C: Cost-Burden of Housing for California Renters						
County	Metro Area	% of Metro Area Renter Households with Cost Burdens	% of Metro Area Renter Households with Severe Cost Burdens	# of Metro Area Renter Households with Cost Burdens	Metro Area Median Renter Household Income	Metro Area Median Renter Monthly Housing Costs
Santa Barbara	Santa Maria-Santa Barbara	56.0%	28.0%	39,726	\$54,200	\$1,624
Santa Clara	San Jose-Sunnyvale- Santa Clara	45.0%	23.0%	126,879	\$87,600	\$2,190
Santa Cruz	Santa Cruz-Watsonville	56.0%	33.0%	20,432	\$49,000	\$1,630
Shasta	Redding	54.0%	30.0%	13,578	\$34,000	\$950
Sierra		Unavailable				
Siskiyou		Unavailable				
Solano	Vallejo-Fairfield	54.0%	26.0%	33,669	\$55,000	\$1,600
Sonoma	Santa Rosa	54.0%	26.0%	39,511	\$55,000	\$1,600
Stanislaus	Modesto	48.0%	23.0%	36,157	\$40,000	\$1,122
Sutter	Yuba City	49.0%	23.0%	11,313	\$37,300	\$990
Tehama	Red Bluff	54.0%	27.0%	5,031	\$27,900	\$850
Trinity						
Tulare	Visalia-Porterville	56.0%	29.0%	34,895	\$30,800	\$908
Tuolumne	Sonora	48.0%	24.0%	2,758	\$41,600	\$1,040
Ventura	Oxnard-Thousand Oaks-Ventura	57.0%	28.0%	58,071	\$57,500	\$1,740
Yolo	Sacramento-Roseville-Arden Arcade	53.0%	28.0%	174,448	\$44,300	\$1,260
Yuba	Yuba City	49.0%	23.0%	11,313	\$37,300	\$990

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Appendix D: County Eviction Rates¹⁸⁶ and Foreclosure Rates¹⁸⁷		
County	Eviction Rate (Number)	Foreclosure Rate
Alameda	0.59% (1,640)	1:4,006
Amador	Unavailable	1:6,086
Alpine	0.0% (0)	Unavailable
Butte	Unavailable	1:32,706
Calaveras	0.76% (35)	1:2,561
Colusa	0.81% (24)	1:7,990
Contra Costa	0.45% (611)	1:2,692
Del Norte	Unavailable	1:11,364
Modoc	Unavailable	1:2,625
El Dorado	0.8% (165)	1:2,289
Fresno	2.16% (3,036)	1:2,347
Glenn	1.34% (53)	1:2,741
Humboldt	Unavailable	1:2,721
Imperial	Unavailable	1:11,440
Inyo	0.03% (1)	1:9,526
Kern	Unavailable	1:1,254
Kings	1.47% (294)	1:2,268
Lake	2.63% (255)	1:2,103
Lassen	1.91% (69)	1:2,125
Los Angeles	0.58% (10,462)	1:2,790

¹⁸⁶ EVICTION LAB, *Eviction Map & Data*, *supra* note 49. To repeat, as defined by the Eviction Lab, the “eviction rate is the number of evictions per 100 renter homes in an area. An eviction rate of 5% means that 5 of every 100 renter homes faced eviction in the selected area that year.” EVICTION LAB, *FAQs*, *supra* note 51. Again, it is important to note that, per California law, unlawful detainer records are sealed; these data therefore *undercount* the total number of evictions. See *supra* note 52.

¹⁸⁷ REALTYTRAC, *supra* note 21.

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Appendix D: County Eviction Rates and Foreclosure Rates		
County	Eviction Rate (Number)	Foreclosure Rate
Madera	1.17% (197)	1:1,391
Marin	Unavailable	1:56,303
Mariposa	0.0% (0)	1:3,459
Mendocino	0.54% (81)	1:5,386
Merced	1.79% (657)	1:2,640
Mono	0.0% (0)	1:2,808
Monterey	0.62% (399)	1:35,137
Napa	0.42% (81)	1:3,697
Nevada	Unavailable	1:8,899
Orange	0.68% (2,963)	1:4,765
Placer	0.63% (271)	1:2,801
Plumas	0.17% (5)	1:1,574
Riverside	2.35% (5,864)	1:1,624
Sacramento	2.37% (5,570)	1:2,122
San Benito	0.93% (60)	1:18,328
San Bernardino	Unavailable	1:1,531
San Francisco	0.25% (593)	1:9,295
San Joaquin	Unavailable	1:9,202
San Luis Obispo	Unavailable	1:20,030
San Diego	0.67% (3,579)	1:2,960
San Mateo	0.36% (408)	1:45,852
Santa Barbara	Unavailable	1:3,530
Santa Clara	0.31% (869)	1:7,080
Santa Cruz	0.36% (154)	1:17,598
Shasta	1.4% (374)	1:1,372

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Appendix D: County Eviction Rates and Foreclosure Rates		
County	Eviction Rate (Number)	Foreclosure Rate
Sierra	0.0% (0)	Unavailable
Siskiyou	Unavailable	1:1,415
Solano	1.87% (1,061)	1:7,427
Sonoma	Unavailable	1:29,701
Stanislaus	Unavailable	1:1,689
Sutter	Unavailable	1:2,850
Tehama	2.46% (219)	1:4,560
Trinity	1.36% (25)	1:8,814
Tulare	1.46% (860)	1:1,544
Tuolumne	Unavailable	1:7,858
Ventura	Unavailable	1:3,250
Yolo	0.68% (243)	1:25,369
Yuba	Unavailable	1:1,764