



# EQUAL JUSTICE AMERICA

## Summer 2022 EJA Fellow:



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**Update 1:** Pleased to share that I will be spending my first law school summer at SLS working with East Bay Community Law Center’s Housing Unit via a fellowship provided by Equal Justice America! I am thrilled to be able to support EBCLC’s vital work defending low-income tenants from eviction at this critical juncture, when so many areas of the country are facing rising eviction filings as COVID-19 pandemic protections for renters lapse. The scope of the problem my work will confront is vast and growing. A National Center for State Courts report compiled in 2015 found that landlord/tenant cases accounted for nearly 1 out of every 5 cases before state courts, the second most common case type after debt collection. The vast majority of these cases are decided by judges without the participation of a jury. Most eviction cases end in default judgement, but even those cases where both parties are present are often decided in minutes. In large part this is because more than 4 out of every 5 tenants in landlord/tenant cases nationwide do not have legal counsel. So you can imagine my surprise when my first weeks on the job took the form of observing my supervising attorney not only go to a jury trial for a client, but win them the right to remain in their childhood home! I could not have hoped for a more auspicious beginning to my summer fellowship and am eager to carry forward EBCLC’s effective advocacy into further cases protecting tenants’ rights to safe and secure housing.

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**Update 2:** My work with East Bay Community Law Center is entering its second month and I have now had the opportunity to work with several clients in eviction cases – this experience has greatly enhanced my familiarity with this granular and often ill-understood area of law. My work so far has deepened my understanding of how Alameda County’s eviction moratorium interacts with the tenants it intends to protect on the ground. The County’s moratorium, like most others previously in effect in other jurisdictions, includes a number of exceptions both in the law itself and in practice that allow some evictions to proceed. Starting with the de jure exceptions, the moratorium still allows evictions where a tenant is alleged to present an “imminent threat” to the health and safety of other tenants. Moreover, California’s Ellis Act allows the moratorium to be circumvented if a landlord or their family members claims that they will move into the property where tenants currently reside. De facto, many tenants are unaware that they are covered by the moratorium and may ‘self-



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evict' in response to an eviction notice even though it may be unenforceable in court. This reality creates an exception to the moratorium for illegal evictions, whereby some tenants, such as those who do not speak English or who are disabled, are at particular risk. Both the de jure and de facto evictions tend to target these groups at disproportionate rates – in my experience at EBCLC, almost every eviction claim, whether facially lawful or not, has been directed at a tenant who is either disabled or does not speak English as a first language. Therefore, these exceptions create a particular burden for vulnerable tenants who are already the target of exploitative rental agreements. To be sure, my work has shown that legal services can serve as a shield to such tenants by employing the law to defeat erroneous eviction claims and by allowing them to negotiate with landlords from a position of relative strength. But perhaps the hardest challenge we confront is reaching this class of tenants in the first place. In the coming month, I intend to learn more about how EBCLC has effectively integrated itself within its service community as an accessible resource for vulnerable tenants.

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**Update 3:** My work at East Bay Community Law Center has continued to focus on eviction cases and my work over the past two weeks has highlighted an important divergence between eviction cases and other areas of law: the tight timeline tenants face in such case. In California, tenants have only five days to respond to an evictions summons and complaint or receive a default judgement against them. While this is actually longer than eviction actions in many other states, it gives tenants precious little time to read complaints that often run more than 60 pages (and only in English), let alone seek legal assistance or make a response. As such, many clients come to EBCLC having already accrued a default judgement or even a sheriff's notice to vacate. This past week, I worked with just such a client who had an eviction filed against him while he was incarcerated and unable to respond. By the time I was able to meet with the client, now homeless, on a Thursday, he was due to be evicted the following Tuesday. With courts closed over the weekend, that left me and my supervisor only a single day to prepare a stay of execution. Luckily, our team was able to drop everything and work through the night to prepare the stay – after waiting with the client for more than 3 hours at a county courthouse, the stay was granted and the client was able to secure enough funds to pay for a 13-day stay of execution that will provide just enough time for us to hopefully get the eviction set aside. However, I cannot help but think how much had to go right in this circumstance to make this outcome possible. Another tenant facing similar circumstances who was only a day slower in contacting legal services, perhaps because of a disability or because they do not speak English, would have no recourse to prevent their eviction. This example highlights how important it is for legal service organizations to conduct frequent and widespread outreach in their service communities to make sure tenants are aware of who they can turn to when facing an eviction.

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**Update 4:** In my last week of my Equal Justice America Fellowship at East Bay Community Law Center, I want to highlight a separate area of housing advocacy that I encountered this summer: contesting voucher terminations by public housing authorities. Most recipients of housing assistance in the United States do not reside in public housing, but instead receive a voucher that enables them to rent an apartment on the private rental market. However, each of the various voucher programs includes their own guidelines and restrictions separate from the voucher holder's lease that can cause the voucher to be terminated.



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Over the last weeks, I have worked on just such a voucher termination case, in which a client's voucher was to be terminated because it was alleged that their unit had failed inspections conducted by the housing authority. Contesting a voucher termination does not take place in a court of law, but is instead an administrative hearing conducted within the housing agency itself, so navigating what procedures an agency must follow is difficult at best for even experienced attorneys, let alone clients.

By building rapport with the client, my supervising attorney and I were able to discover that the symptoms of their disabilities had been heightened during the COVID-19 pandemic because they could not find a home health aide to help them maintain their apartment. With this information, we were able to prepare a successful reasonable accommodation request that bought us more time to ensure the client's apartment would be clean for the next inspection, eliminating the basis for voucher termination.

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**Update 5:** I am deeply grateful to have had the opportunity to complete my Equal Justice America Fellowship at East Bay Community Law Center! I went into this summer with the goal of increasing my understanding of the practical realities of housing law and my experience at EBCLC more than exceeded my expectations. Over the past few months, I have done more than a dozen client intakes, wrote demand letters, conducted legal research, wrote my first legal motions, and prepared a client for an administrative hearing. All of these experiences not only enhanced my skills as a legal advocate, but also made a tangible difference in preventing evictions and voucher terminations.

At a time when the expiration of eviction moratoria around the country has led to rising eviction rates, it was deeply moving to contribute to EBCLC's vital work in defending low-income tenants from eviction and displacement. For example, one of the most memorable cases I worked on this summer involved a client who had an eviction filed against him while he was incarcerated and unable to respond. By the time I was able to meet with the client, now homeless, on a Thursday, he was due to be evicted the following Tuesday. With courts closed over the weekend, that left me and my supervisor only a single day to prepare a stay of execution. Luckily, my team at EBCLC was able to drop everything and work through the night to prepare the stay – after waiting with the client for more than 3 hours at a county courthouse, the stay was granted and the client was able to secure enough funds to pay for a 13-day stay of execution. With this added time, we were able to discover that the client's eviction notice had never been served properly and get his eviction overturned as a result. I can unequivocally say that our efforts made the difference in returning someone to their home, providing him with the foundation to rebuild his life.

To be sure, my experience also reinforced how difficult it is for many tenants to navigate the eviction process. In California eviction cases, tenants have only five days to respond to an unlawful detainer summons before a default judgement is imposed against them. While this is actually longer than in other states, it gives tenants precious little time to read complaints that often run more than 60 pages (and only in English), let alone to seek legal assistance or submit a response. Even when tenants do respond, the vast majority of eviction cases are



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decided by judges without the participation of a jury and even those cases where both parties are present are often decided in minutes. In large part this is because more than 4 out of every 5 tenants in landlord/tenant cases nationwide do not have legal counsel in eviction proceedings. Under such circumstances, legal service providers who deal with eviction cases cannot afford to simply wait for tenants to come to them and must instead be deeply integrated into their service community so that those facing eviction know where to seek assistance as soon as possible.

EBCLC's efficient, client-centered approach to housing law presents strong evidence that this difficult task can be achieved. I leave my fellowship more committed than ever to pursuing a career in direct service and am eager to apply all that I have learned to support new clients in the coming year.

My deep thanks to Equal Justice America for making my fellowship possible.