

February 27th, 2018

By Email and Hand Delivery

Barbara Carr and Members of the Ballot Simplification Committee
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102
Via email to: publications@sfgov.org

Re: No Eviction Without Representation Act (June 2018)

Dear Chair Carr and Members of the Ballot Simplification Committee:

Thank you for your hard work on the digest for this and all other ballot measures. We respectfully request the following changes to the digest for the reasons stated below. At the end of this letter, a complete copy of the digest with our proposed changes is attached.

Request #1: Proposal Section

Language to Change

“Proposition ___ would require the City to provide a lawyer for a tenant within 30 days after the tenant receives an eviction notice or a lawsuit seeking eviction, whichever is sooner.”

Proposed Language (requested changes underscored)

“Proposition ___ would require the City to provide a lawyer for a tenant within 30 days after the tenant receives an eviction notice or as soon as the tenant receives a lawsuit seeking eviction, whichever is sooner.”

Reason for Requested Change

The draft digest language is partly inaccurate because it means that tenants get representation 30 days after one of two things happens -- 30 days from when the tenant receives an eviction notice or 30 days from when the tenant receives a lawsuit. In fact, the proposed ballot measure text states “This legal representation shall be available to a tenant thirty days after a tenant is served with an eviction notice or upon service of an unlawful detainer complaint, whichever occurs first, ...” Accordingly, legal representation is available either (a) within 30 days of the eviction notice, or (b) upon service of the eviction lawsuit. What’s lost in the current digest Proposal section is the fact that a tenant would be entitled to an attorney as soon as the tenant is served with an eviction lawsuit and would not need to wait until thirty days elapses. Therefore we request that one of the following phrases be added “as soon as the tenant receives” “when the tenant receives” or “upon service of”, any of which would make the digest language more complete and accurate.

Request #2: Way it is Now Section

Language to Change

“The City and County of San Francisco (“City”) does not provide legal representation to San Francisco tenants who face eviction from their homes. The City does fund nonprofit organizations that provide free legal representation to some San Francisco tenants who face eviction.”

Proposed Language

Over the last five years, approximately 17,000 thousand San Francisco households have faced court eviction cases, representing an estimated 40,000 San Franciscans. The City and County of San Francisco (“City”) does not provide legal representation to San Francisco tenants who face eviction from their homes. The City does fund nonprofit organizations that provide free legal representation to some San Francisco tenants who face eviction, but most tenants do not have legal representation when facing eviction. In a 2014 study, the City’s Budget Analyst found that 83% of tenants in court eviction cases do not have lawyers.

Reason for the Requested Change

The requested change provides greater context about the scope of the issue being addressed, namely evictions. It also clarifies that while the City contracts with nonprofits to provide some limited assistance, most tenants go unrepresented in court. The MOHCD letter to this committee confirms that at least two thirds of tenants facing eviction are not even eligible for full scope representation in eviction proceedings. We believe that it is essential that voters understand that most tenants facing eviction do not have a lawyer representing them through the court proceeding.

We respectfully request that the foregoing changes be included in the digest to give a more full and accurate picture to voters of the issues raised by this measure.

Thank you for your attention to this matter.

Sincerely,



Dean Preston

Proponent, No Eviction Without Representation Act

Digest with Proposed Changes

The Way It Is Now: Over the last five years, approximately 17,000 thousand San Francisco households have faced court eviction cases, representing an estimated 40,000 San Franciscans. The City and County of San Francisco ("City") does not provide legal representation to San Francisco tenants who face eviction from their homes. The City does fund nonprofit organizations that provide free legal representation to some San Francisco tenants who face eviction, but most tenants do not have legal representation when facing eviction. In a 2014 study, the City's Budget Analyst found that 83% of tenants in court eviction cases do not have lawyers

Before a landlord may evict a tenant the landlord must give the tenant a written notice that the landlord intends to do so. If a tenant does not move after receiving that eviction notice, then the landlord may file a lawsuit asking a court to order eviction.

The City's Charter establishes the City's budget process. Under that process, the Board of Supervisors and the Mayor must approve the City's budget each year.

The Mayor's Office of Housing and Community Development administers City programs to create and preserve affordable housing in San Francisco.

The Proposal: Proposition ____ would require the City to establish, fund and run a program to provide legal representation for all residential tenants in San Francisco whose landlords are attempting to evict them from where they live.

Proposition ____ would require the City to provide a lawyer for a tenant within 30 days after the tenant receives an eviction notice or as soon as the tenant receives a lawsuit seeking eviction, whichever is sooner. The lawyer would provide legal representation to the tenant until the notice is withdrawn or the lawsuit is resolved. Proposition ____ would not require the City to provide legal representation to tenants who reside in the same dwelling unit with their landlord.

Proposition ____ would require the Mayor's Office of Housing and Community Development to implement this program within 12 months after Proposition ____ becomes effective.

Proposition ____ would adopt a policy that, "San Francisco tenants facing an eviction from their home shall have a right to legal representation in eviction proceedings and the City and County shall provide such legal representation to tenants to assist in the fair administration of justice."

A "YES" Vote Means: If you vote "yes," you want to require the City to establish, fund and run a program to provide legal representation for all residential tenants in San Francisco whose landlords are attempting to evict them from where they live.

A "NO" Vote Means: If you vote "no," you do not want to make these changes.