



MARK FARRELL  
MAYOR

ROBERT A. COLLINS  
EXECUTIVE DIRECTOR

February 22, 2018

Mr. John Arntz  
Director of Elections  
Department of Elections  
City and County of San Francisco  
1 Carlton B. Goodlett Place  
City Hall, Room 48  
San Francisco, CA 94102

VIA INTERDEPARTMENTAL MAIL AND  
VIA ELECTRONIC MAIL TO: [barbra.carr@sfgov.org](mailto:barbra.carr@sfgov.org)

RE: City-Funded Legal Representation for All Residential Tenants in Eviction Lawsuits –  
June 5, 2018 Election

Dear Director Arntz,

Thank you for the opportunity to review the “City-Funded Legal Representation for All Residential Tenants in Eviction Lawsuits” measure (“Measure”) that will appear on the June 5, 2018 ballot. As requested, and in anticipation of the Ballot Simplification Committee’s preparation of a fair and impartial summary of the Measure, the Rent Board is providing an objective analysis of the measure and its impact on current procedures.

The City and County of San Francisco (“City”) does not currently provide legal representation to tenants who are being evicted. The City does provide funding to many organizations that provide counseling, attorney referrals, and for some tenants, legal representation. The City has rent control, but not all rental units located in the City are subject to rent control. If a unit is subject to rent control the landlord generally has to have a “just cause” reason to terminate a tenancy. If a unit is not subject to rent control, there are fewer substantive requirements for an eviction. Moreover, there may be different requirements for terminating a tenancy when the unit is regulated by other government entities (such as the Mayor’s Office of Housing or the San Francisco Housing Authority). The Measure is not limited to rental units subject to rent control.

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The measure would affect the current law and practices in the following ways:

This measure would require the City to establish, run and fully fund a program at the Mayor's Office of Housing that would provide legal representation to all tenants in the City within 30 days of receiving an eviction notice or upon being served with an Unlawful Detainer lawsuit, whichever occurs first. It would provide this representation until the eviction notice is withdrawn, the case is dismissed, or a judgment in the matter is entered. Legal representation would include, but is not limited to, filing responsive pleadings, appearing on behalf of the tenant in court and providing legal advice. The Measure would not apply to an eviction proceeding that is brought about by a landlord or master tenant who resides in the same dwelling unit as the tenant. The Measure would not apply where a state or federal program already provides representation to a tenant.

Aside from the changes outlined above, the Measure would not affect any other current law or practice. Please do not hesitate to contact me at (415) 252-4628 if you would like additional information or have questions.

Sincerely,

  
Robert A. Collins  
Executive Director

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