

March 1, 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)
Response to MOHCD Proposed Language

Dear Chair Carr and Members of the Ballot Simplification Committee:

Thank you again for your hard work on the digest for this and all other ballot measures. We write to respond to the requested digest changes submitted yesterday by the Mayor's Office of Housing and Community Development. MOHCD proposal seeks to strike numerous accurate provisions of the current digest and replace them with confusing language that alternates between vague, misleading, and unnecessary. We address the problematic portions of the MOHCD proposed language below.

MOHCD Proposed Language: Way It Is Now, Paragraph 1:

“The City and County of San Francisco (“City”) funds nonprofit organizations to provide the following legal services to San Francisco tenants in eviction lawsuits. There are different levels of legal services provided to tenants at certain stages of the eviction process, but not all tenants have access to legal representation at all stages of the eviction process.”

Our Response: MOHD strips from the opening paragraph any hint of the fact that most tenants are not represented when they face eviction in San Francisco. This is not in dispute. The Budget Analyst confirmed in 2014 that 83% of tenants were unrepresented in eviction cases. MOHCD's own letter to the Ballot Simplification Committee notes that $\frac{2}{3}$ of tenants are not even eligible for full legal representation through city programs. Yet MOHCD proposes an opening paragraph that simply talks about what the city does fund and then the vague acknowledgment that “not all tenants have access to legal representation at all stages of the eviction process.” In fact, as noted above, most tenants are not represented.

We also reiterate, as we did in our letter submitted on February 28, 2018, our request that opening paragraph include basic information about the number of evictions over the last five years to give

MOHCD Proposed Language: Way It Is Now, Bullet Points:

- **“All tenants have access to low-cost assistance with completing a required court form after they have been served an eviction lawsuit.**
- **All tenants have access to free legal representation for a mandatory settlement meeting before the lawsuit goes to trial.**
- **A limited number of eligible tenants have access to free legal representation at all stages of the eviction process.”**

Our Response: MOHCD notes two types of limited services provided to tenants, neither of which needs to be in the ballot summary, and then concludes with a vague statement on representation.

- First, MOHCD claims “All tenants have access to low-cost assistance with completing a required court form after they have been served an eviction lawsuit.” The fact that any tenant can drop into the Eviction Defense Collaborative for help filling out court forms, while representing oneself in an eviction proceeding, is irrelevant to this measure.
- Second, MOHCD claims “All tenants have access to free legal representation for a mandatory settlement meeting before the lawsuit goes to trial.” This is an apparent reference to the program run by the Bar Association’s Justice and Diversity Center, in which the City has invested under \$200,000 annually, to organize pro bono attorneys to assist tenants at a court-mandated settlement conference. Again, this is of little relevance to a measure about giving tenants full scope legal representation from the moment they get sued until judgement, and every step in between.
- Third, MOHCD’s proposed language says “A limited number of eligible tenants have access to free legal representation at all stages of the eviction process.” Again, the numbers should be used. According to MOHCD, $\frac{2}{3}$ of tenants are not even eligible for full scope representation. Rather than saying “a limited number” are eligible, MOHCD should be stating that only $\frac{1}{3}$ are eligible. (Or MOHCD could use the Budget Analyst’s figures, which factor in defaults, and found that 83% of tenants facing eviction have no representation.) At minimum, the summary should make clear that most tenants facing eviction do not have full legal representation, a fact that is not disputed.

MOHCD Proposed Language: The Proposal Section

“Proposition ___ would require the City to establish, fund and run a program to provide legal representation at all stages of the eviction process for all residential tenants facing eviction. Program would not be available to tenants who reside in the same dwelling with their landlord or master tenant. Funding for the program would be at the discretion of the Mayor and Board of Supervisors through the City’s budget process.”

The first sentence of the MOHCD proposal section -- “Proposition ___ would require the City to establish, fund and run a program to provide legal representation at all stages of the eviction process for all residential tenants facing eviction.” -- is vague and can more simply and clearly be stated by changing “legal representation at all stages of the eviction process” to “full legal representation”.

The second sentence -- “Program would not be available to tenants who reside in the same dwelling with their landlord or master tenant.” -- is unclear and unnecessary in the digest.

Letter #2 from Dean Preston to Ballot Simplification Committee
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The third sentence -- "Funding for the program would be at the discretion of the Mayor and Board of Supervisors through the City's budget process" is vague and misleading. The measure requires the City to fully fund the program to provide full representation to all tenants facing eviction. The MOHCD proposal implies that funding it is discretionary.

MOHCD Proposal: 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 stages of the eviction process for all residential tenants facing eviction."

We do not object to MOHCD's proposed A "Yes Vote Means" language if "legal representation for all stages of the eviction process" is changed to "full legal representation."

Thank you for your attention to this matter.

Sincerely,

Dean Preston
Proponent, No Eviction Without Representation Act