



February 26th, 2018

Chair 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](mailto:publications@sfgov.org)  
Re: Ballot Measure – City-Funded Legal Representation for Residential Tenants in Eviction  
Lawsuits

Re: No Eviction Without Representation Act (June 2018)

Dear Chair Carr and Members of the Ballot Simplification Committee,

I write on behalf of the Affordable Housing Alliance to address two aspects of the No Eviction Without Representation Act on the June 2018 ballot.

1. The Draft Digest Needs Correction With Regard to the Timing of When a Tenant Gets Counsel under the Proposed Measure

We want to bring an inaccuracy to the attention of the Committee. Specifically, under the Proposal section, in the second paragraph, the digest states that “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.” Unfortunately, this 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 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.

Perhaps an example will help clarify: If on Day 1 a tenant is served with a 3-day notice to cure or quit (an eviction notice), and on Day 4 an unlawful detainer lawsuit (eviction lawsuit) is filed and served on the tenant, under the initiative the tenant is immediately entitled to an attorney on Day 4. Yet the draft digest would incorrectly suggest that the tenant must wait until Day 31, which in many eviction cases will be after the case has been resolved.



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2. MOHCD Mischaracterizes the Impact of the Subtenant Provision of the Ordinance

We have reviewed the MOHCD letter to your committee concerning the proposed ballot measure. We write here to address a statement in the MOHCD letter regarding the impact of Section 3(b) of the measure. Specifically, after laying out existing eviction defense services, MOHCD states that the ballot measure would prevent tenants who reside with their landlord from accessing legal services. Here is the relevant language in their letter: *"Regarding Section 3(b), Exception for landlord or master tenant who resides in the same dwelling unit, tenants who reside in the same dwelling unit with her or his landlord or master tenant currently have access to eviction-related legal services if they meet eligibility criteria. This Measure would prevent such tenants from accessing these services."* This is incorrect. Nothing in this ballot measure would prevent tenants who reside with their landlord from availing themselves of existing city programs, or obtaining an attorney privately. The measure simply says they do not have a right to counsel *under this ballot measure*. The ballot measure does not purport to restrict, ban, or limit in any way current services provided to tenants who reside in the same unit as their landlord. In contrast to the MOHCD letter, the title and summary and the draft digest are correct in their description of this exception.

Thank you for your consideration of these comments.

Sincerely,



Mitchell Omerberg  
Executive Director