

1 **NO EVICTION WITHOUT REPRESENTATION ACT**

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3 Be it ordained by the People of the City and County of San Francisco:

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5 **SECTION 1. Title**

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7 This Initiative shall be known and may be cited as the “No Eviction Without Representation
8 Act of 2018.”

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10 **SECTION 2. Findings and Declarations**

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12 The People of the City and County of San Francisco declare their findings and purposes
13 in enacting this Initiative to be as follows:

14 Whereas, in the landmark case *Gideon v. Wainwright*, the United States Supreme Court
15 declared that reason, reflection, and the fair administration of justice require that every person
16 hauled into court on criminal charges shall have the right to be represented by legal counsel;

17 Whereas, the City and County of San Francisco in 2012 officially declared itself to be the
18 first “Right to Civil Counsel City” in the United States because the interests in civil cases can be
19 significant and there exists an inherent unfairness if a case goes forward with one side represented
20 and the other side unrepresented;

21 Whereas, San Francisco has declared its firm commitment to creating a local judicial system
22 that provides representation to all residents involved in civil proceedings that could deny them basic
23 human needs, such as shelter;

24 Whereas, five years after San Francisco declared this commitment, tenants still do not have
25 a right to counsel and most tenants face eviction without legal representation;

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1 Whereas, according to a 2014 report by the Budget and Legislative Analyst, San Francisco
2 tenants faced with eviction legal proceedings in San Francisco Superior Court were taken to court
3 without the benefit of legal representation in 80% to 90% of eviction lawsuits;

4 Whereas, in August 2017 the city of New York enacted local legislation to provide tenants
5 in that city with legal representation in eviction proceedings;

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7 Therefore the people of San Francisco declare that it is the policy of the City and County of
8 San Francisco that:

9 San Francisco tenants facing an eviction from their home shall have a right to legal
10 representation in eviction proceedings and the City and County shall provide such legal
11 representation to tenants to assist in the fair administration of justice.

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13 **SECTION 3. Provision of Legal Representation for Tenants Facing Eviction**

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15 Section 58.4 is added to the San Francisco Administrative Code as follows:

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17 (a) **Provision of legal representation.** The City and County of San Francisco shall
18 establish, run, and fully fund a program to provide legal representation for all tenants
19 within the City and County who are faced with legal proceedings to evict them from
20 their residence. This legal representation shall be available to a tenant thirty days
21 after a tenant is served with an eviction notice or upon service of an unlawful
22 detainer complaint, whichever occurs first, and at least until such time that the
23 eviction notice or unlawful detainer complaint is withdrawn, the case is dismissed, or
24 a judgment in the matter is entered.
25

1 (b) **Exception for landlord or master tenant who resides in same dwelling unit.** The
2 requirements of this Section shall not apply when eviction proceedings are brought
3 by a landlord or master tenant who resides in the same dwelling unit with his or her
4 tenant.

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6 (c) **Implementation.** The Mayor's Office of Housing and Community Development
7 shall promptly take all necessary steps to fully implement the provisions of this
8 Section as soon as practicable, but not later than 12 months after the effective date of
9 this Initiative. The City and County shall have no obligation to provide legal
10 services under this Section where a state or federal program already provides full
11 scope legal representation to a tenant facing eviction proceedings.

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13 (d) For the purposes of this Section, the term "legal representation" shall mean full
14 scope representation provided to an individual by a designated organization or
15 attorney which includes, but is not limited to, filing responsive pleadings, appearing
16 on behalf of the tenant in court proceedings, and providing legal advice.

17
18 (e) For the purposes of this Section, the term "eviction notice" shall mean a notice to
19 terminate tenancy, however denominated.

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21 **SECTION 4. Effective Date**

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23 In accordance with the provisions of California Elections Code section 9217, if a majority of
24 the voters vote in favor of this Initiative, the Initiative shall go into effect 10 days after the vote is
25 declared by the Board of Supervisors.

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SECTION 5. Conflicting Measures

In the event that another measure or measures on the same ballot seeks to affect the same subject matter as this Initiative, any provisions of the other measure or measures shall be deemed to be in conflict with this Initiative. In the event that this Initiative receives a greater number of affirmative votes, only this Initiative shall take effect and the provisions of the other measure or measures shall be null and void.

SECTION 6. Amendment

The Board of Supervisors may amend this Initiative if the amendment serves to further the purpose of this Initiative to provide full scope legal representation for tenants in the City and County who are faced with legal proceedings to evict them from their residence.

SECTION 7. Severability

If any provision of this Initiative or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect any provision or application of this Initiative that can be given effect without the invalid provision or application. To this end, the provisions of this Initiative are severable.