

Justice & Diversity CENTER

OF THE BAR ASSOCIATION OF SAN FRANCISCO

Pro Bono Legal Services Program
Homeless Advocacy Project
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March 1, 2018

John Arntz

Director of the Department of Elections

Ballot Simplification Committee

Re: Right to Civil Counsel Ballot Initiative

I am writing in response to the memorandum submitted by Kate Hartley, Director, Mayor's Office of Housing and Community Development regarding their analysis on the effect of the Measure on current law and practices. I am the Senior Supervising Attorney at the Justice and Diversity Center and I run the pro bono landlord-tenant projects for the Justice and Diversity Center.

I write to clear up a couple of items in the MOHCD memo. With regard to the 2012 Right to Civil Counsel City pilot program, the pilot funds were used to hire one staff attorney to help increase the number of full scope representation cases that were placed with pro bono attorneys and to take full scope cases that we were unable to place with pro bono attorneys. I supervise this program and the pro bono attorneys. I also supervise the limited scope representation project at tenants' mandatory settlement conferences, however this program had been in existence since 2005 and did not begin with the RTCC 2012 pilot, nor was it funded by that pilot. Further, the RTCC pilot was based on pro bono attorneys taking cases, and thus, not a true RTCC pilot which would have provided tenants with experienced staff attorneys so that we would not have to turn away cases when pro bono attorneys could not be found. I also find the numbers stated in the memo to overstate the amount MOHCD currently funds for full scope representation. I believe it is closer to 2-3 million.

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I don't think a comparison to NYC is fair given the size and scale of representation needed in NYC. In NYC, there are 200,000 eviction cases filed each year. In San Francisco, it is less than 3500. Not all of the eviction cases filed are served ; some are just placeholders for settlements and others are small commercial units. Also, there is probably a 20-25% percent default rate. The MOHCD analysis did not take into account these numbers when doing its financial analysis. Nor did the financial analysis take into account the economic benefits of preventing homelessness. A report was done after the RTCC Pilot by Stanford that shows that the economic benefits of full scope representation are as high as one million dollars. The study also found that full scope representation versus limited scope representation resulted more often in tenants remaining in possession and for each night a tenant remains in possession versus homelessness it saves the City \$30.00 in costs expended at shelters and other homeless services.

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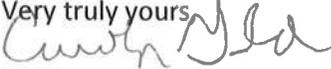
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I think it is critical for the Ballot Simplification Committee to understand the benefits and costs of full scope representation in a more nuanced version than that presented in the MOHCD memo.

Very truly yours,

Carolyn Gold
Senior Supervising Attorney
Justice and Diversity Center