



**Tenant Right to Counsel:  
Six-Month Implementation Update  
to  
Land Use Committee**



CITY AND COUNTY OF  
**SAN FRANCISCO**

MAYOR LONDON N. BREED

February 24, 2020

# Tenant Right to Counsel Update

- MOHCD's Broader Eviction Prevention Strategy
- Tenant Right to Counsel Program
  - Program Structure
  - Successes & Challenges
  - Lessons Learned



# San Francisco Tenants

- **65% (256,000 units)** of city's housing is rental housing
- **1 out of 3** tenant households have severe housing problems
- **8.5% (33,000 units)** of city's housing is subsidized to be permanently affordable
- **60%** of tenants live in rent controlled buildings
- **105,000** low-income & **34,000** moderate-income tenant households



# San Francisco Eviction Data

- San Francisco Superior Court
  - 2,638 eviction lawsuit filings & 581 default judgments
- San Francisco Sheriff's Department
  - 926 court orders to evict



# Eviction Prevention & Housing Stabilization

- **Tenant Right to Counsel (TRC)**
- **Tenant Counseling, Education & Outreach**
- **Alternative Dispute Resolution (ADR)**
- **Direct Financial Assistance**
  - Emergency Rental Assistance
  - Ongoing Tenant-Based Rental Subsidies



# Eviction Defense System Prior to Implementation of TRC Program

- 1. Full-scope representation (i.e., start to finish) – as available, with prioritization**
- 2. *Pro per* (means “self representation”) assistance with Answer – available to all, no prioritization**



# Eviction Defense System Prior to Implementation of TRC Program

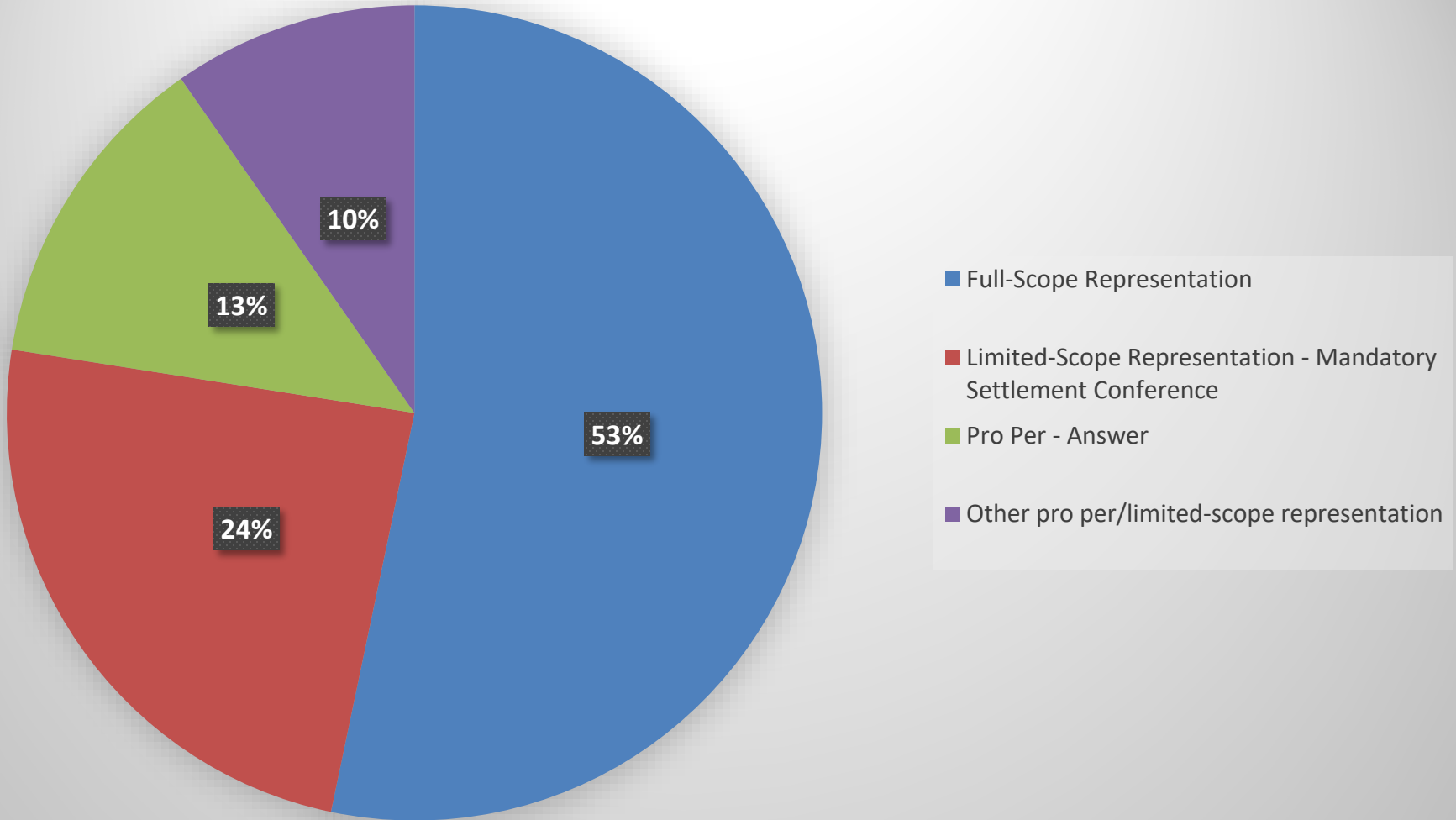
- 3. Limited-scope representation at pretrial mandatory settlement conference – as available, no prioritization**
- 4. *Pro per* assistance and/or limited-scope representation in other stages of the legal process (e.g., write motions, oppose motions, assist with discovery, stays, etc.) – as available, with prioritization**

# Eviction Defense System in the Tenant Right to Counsel Era

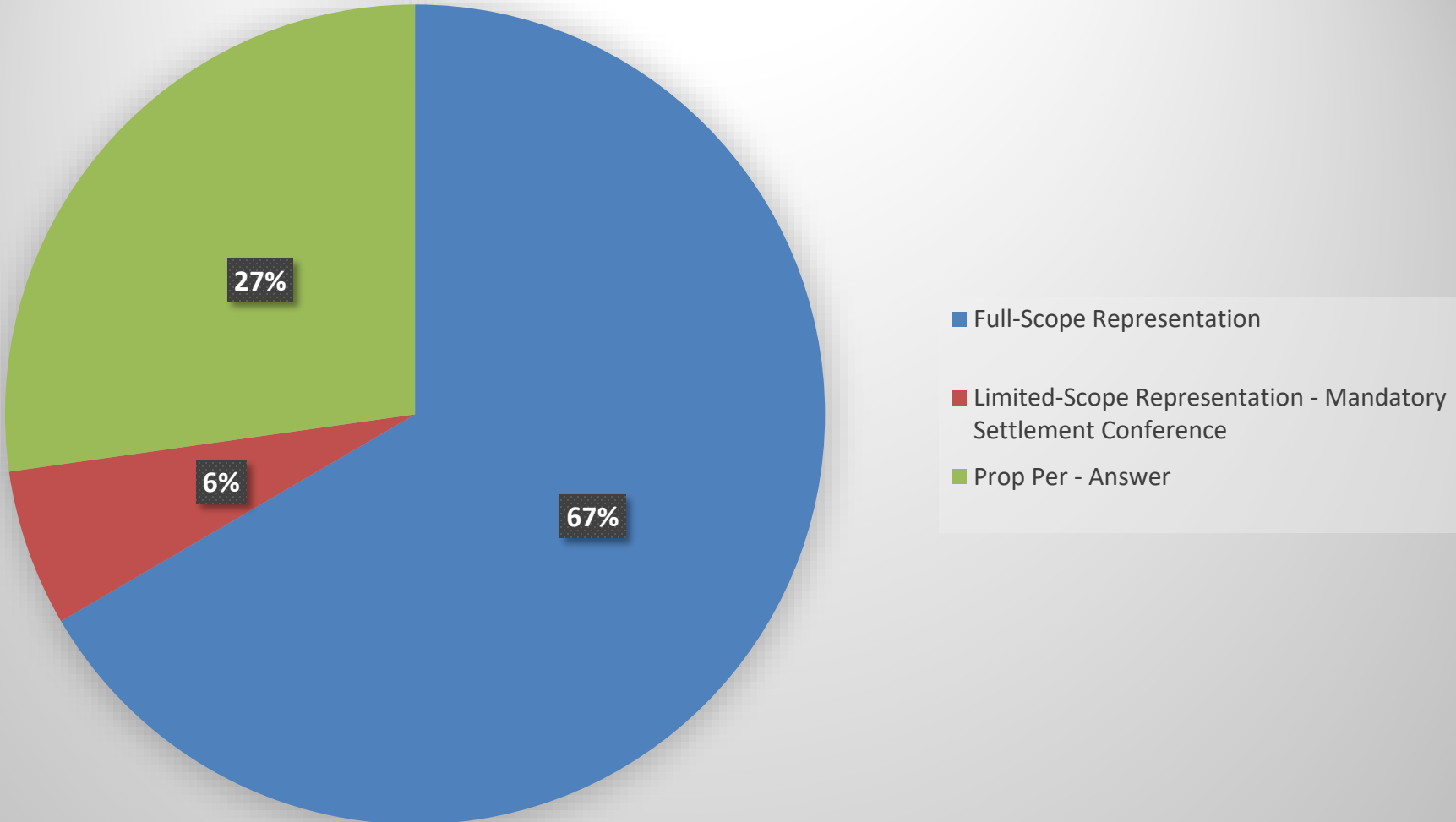
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# Pre-TRC Cases by Service Type (FY18)



# TRC Cases by Service Type (6 months)



# Full-Scope Representation Versus Less Than Full-Scope Representation

- **Full-scope representation gets better results**
  - Full-scope representation **success rate: 67%**
  - Pro per assistance & limited-scope representation **success rate: 38%**
- **Full-scope representation cases**
  - FY18-19 (12 months): 1,257
  - FY19-20 (6 months): 1,088

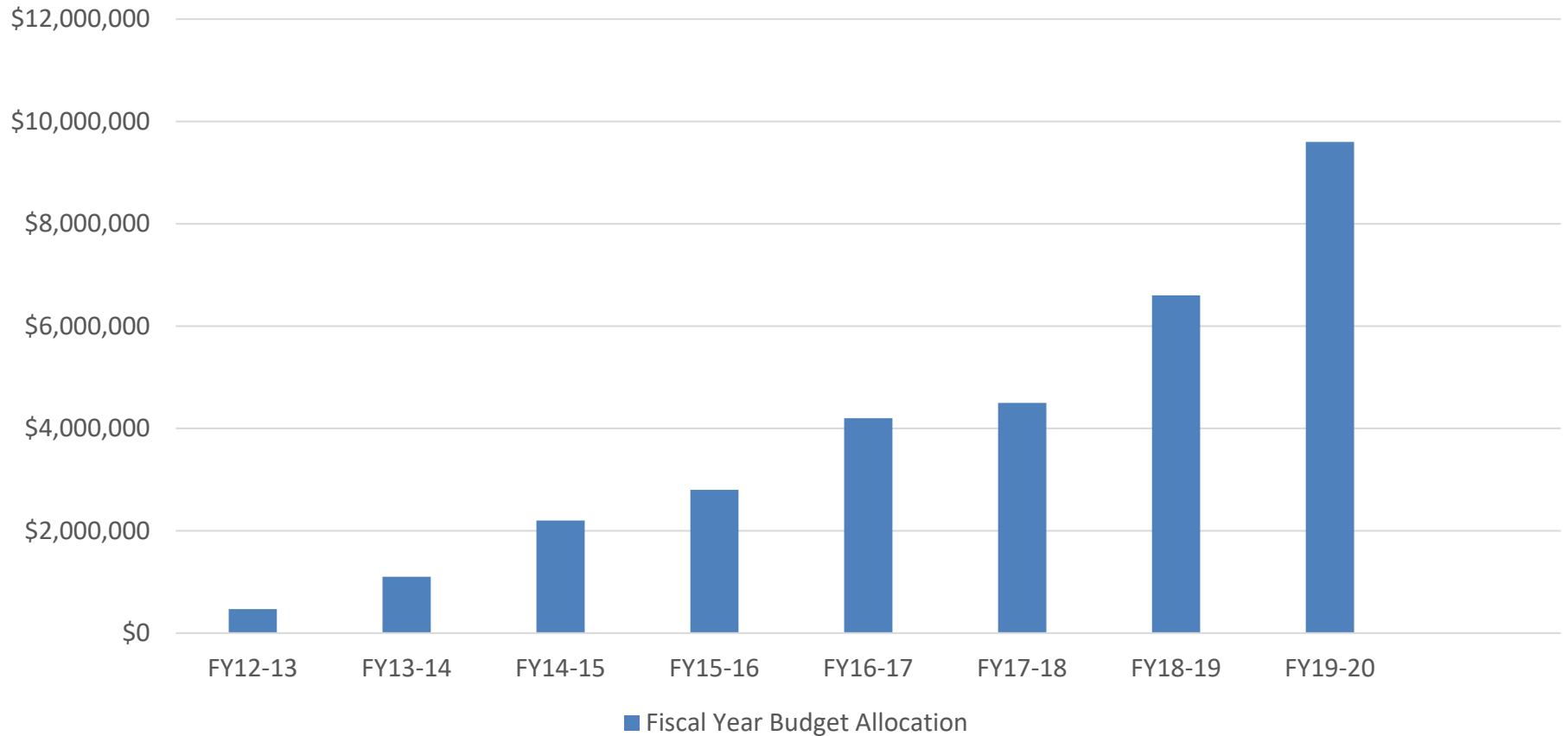


# Tenant Right to Counsel Partnership

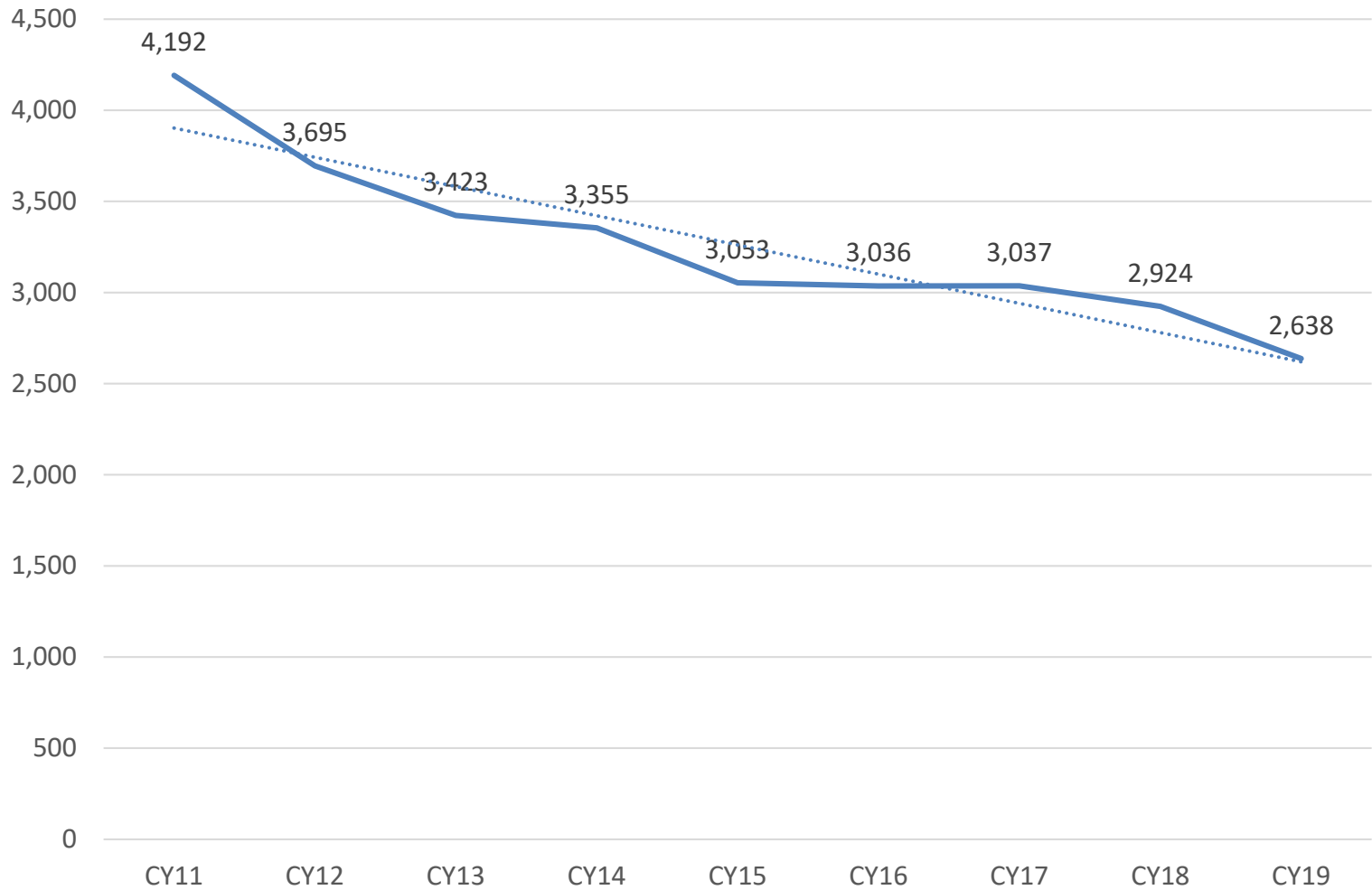
- **Legal aid partners:**
  - **Eviction Defense Collaborative (Lead Partner)**
  - **Advancing Justice – Asian Law Caucus**
  - **AIDS Legal Referral Panel**
  - **Asian Pacific Islander Legal Outreach**
  - **Bay Area Legal Aid**
  - **Homeless Advocacy Project/Justice & Diversity Center**
  - **Legal Assistance to the Elderly**
  - **Open Door Legal**
  - **Tenderloin Housing Clinic**



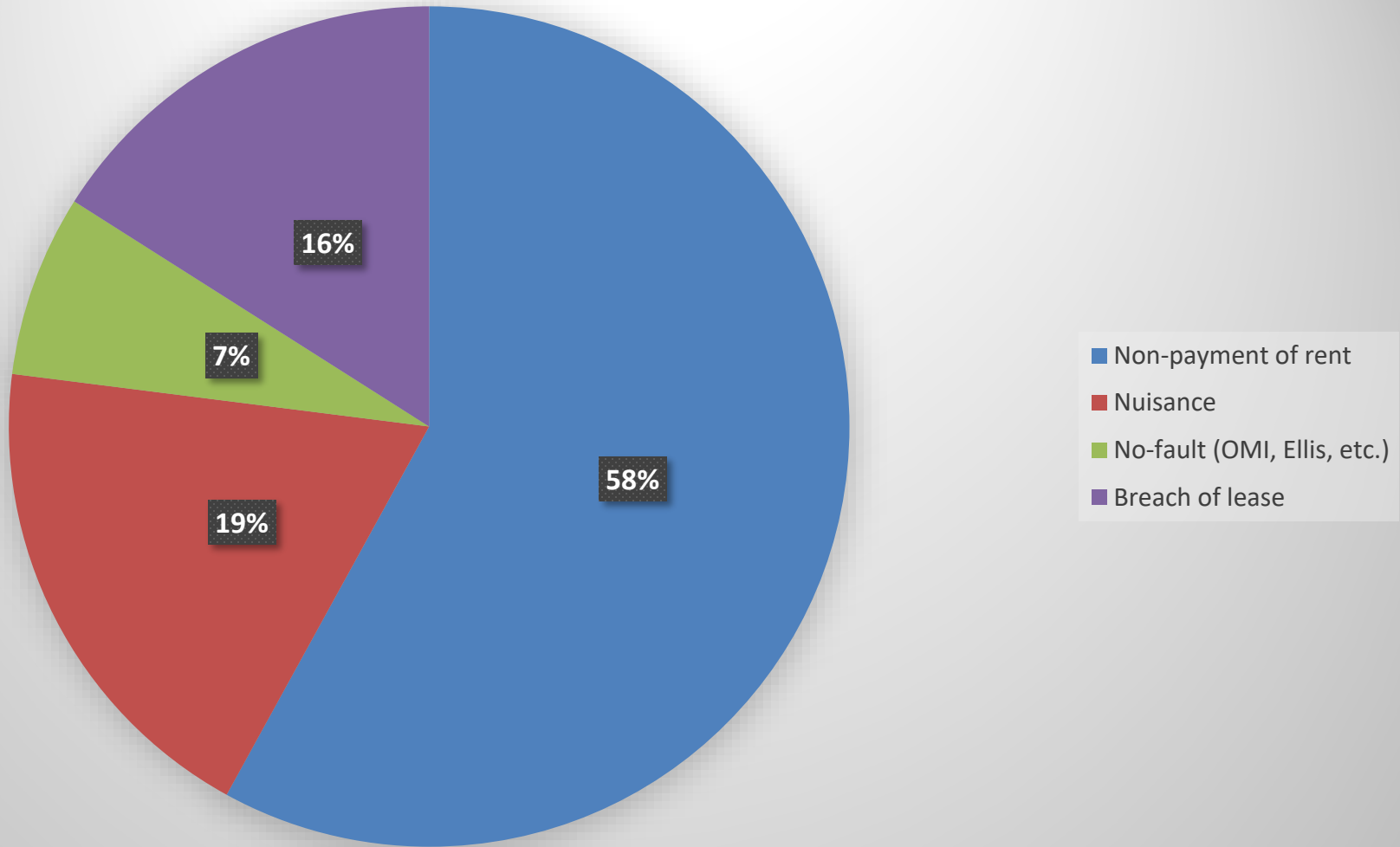
# MOHCD Eviction Defense Funding



# Unlawful Detainers in San Francisco



# Tenant Right to Counsel Intake by Alleged Cause



# TRC Implementation: First 6 Months

**July 1, 2019 – December 31, 2019**

# of Prop F-eligible households availing themselves of help: **1,634**

- **1,088 or 67%** received full-scope representation
- **546 or 33%** received less than full-scope representation

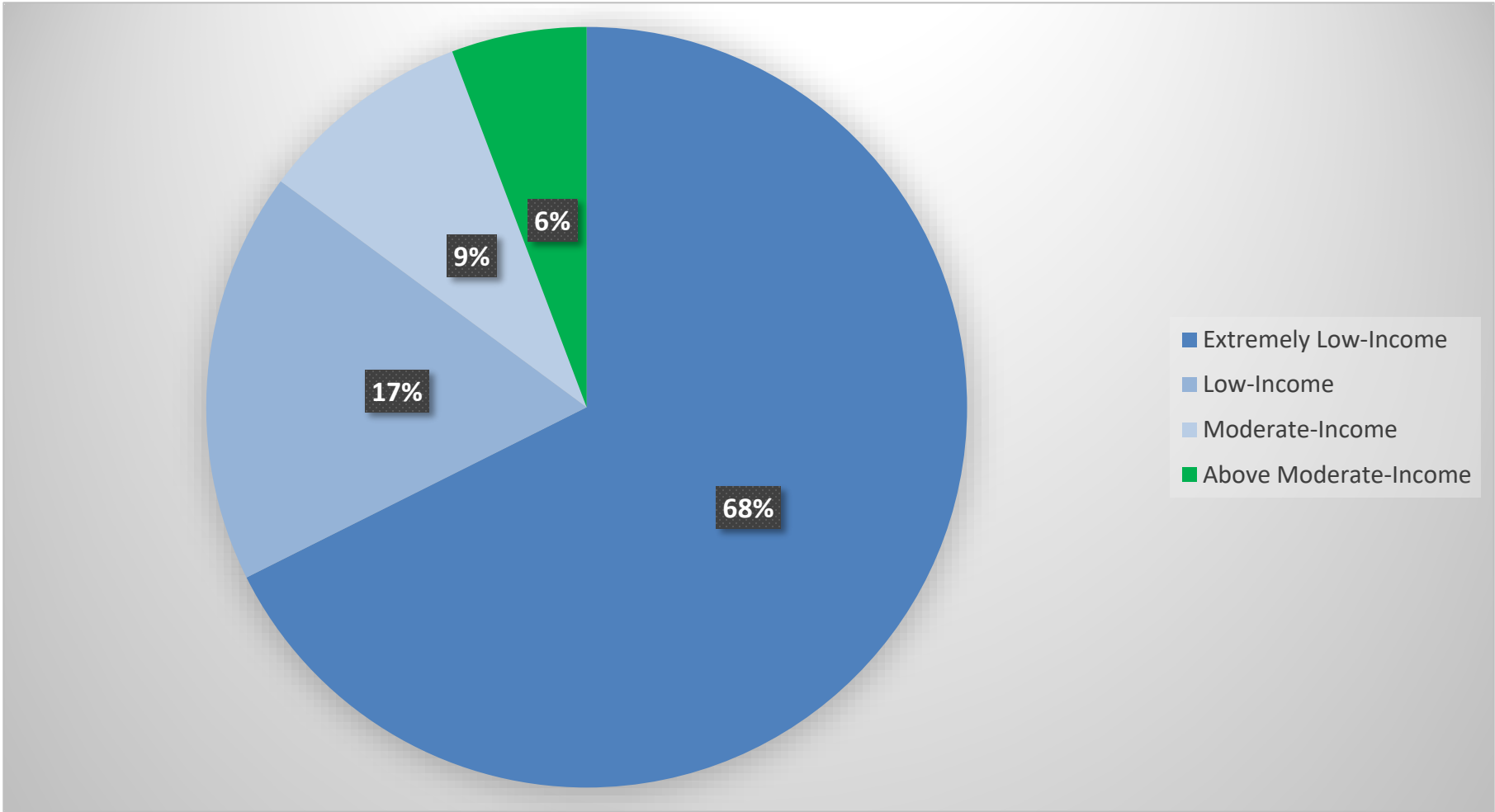




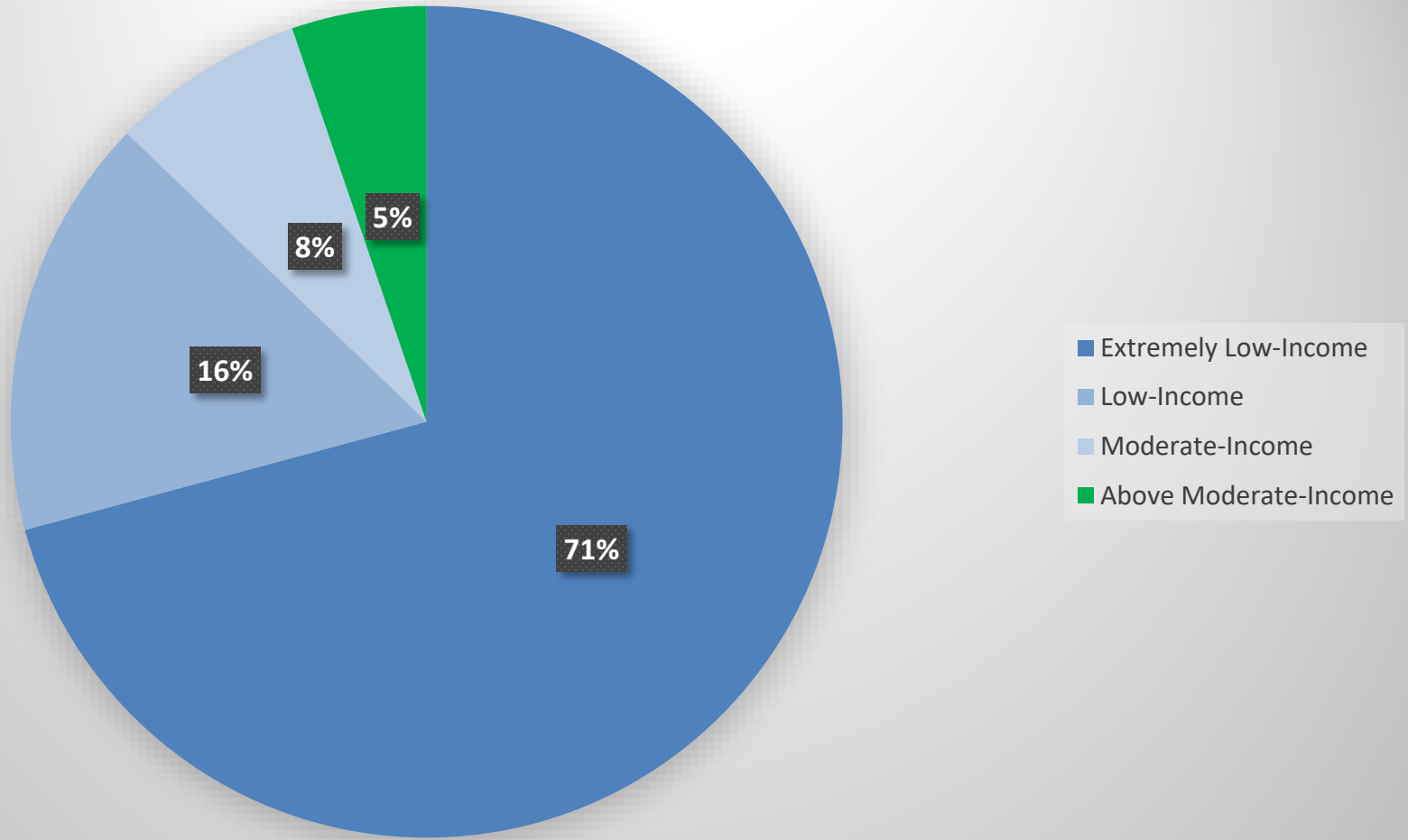
# Full-Scope Case Characteristics

- **56% “fault” and 44%\* “no-fault”**
- **94.3% or 1,033 of all cases involved low- and moderate-income (LMI) households**
  - 98.9% fault cases involved LMI households
  - 88.5% no-fault cases involved LMI households

# All Full-Scope Representation Cases by Income Level



# All Cases in Eviction Defense System by Income Level



# Highest Utilization of Full-Scope Representation by Race/Ethnicity

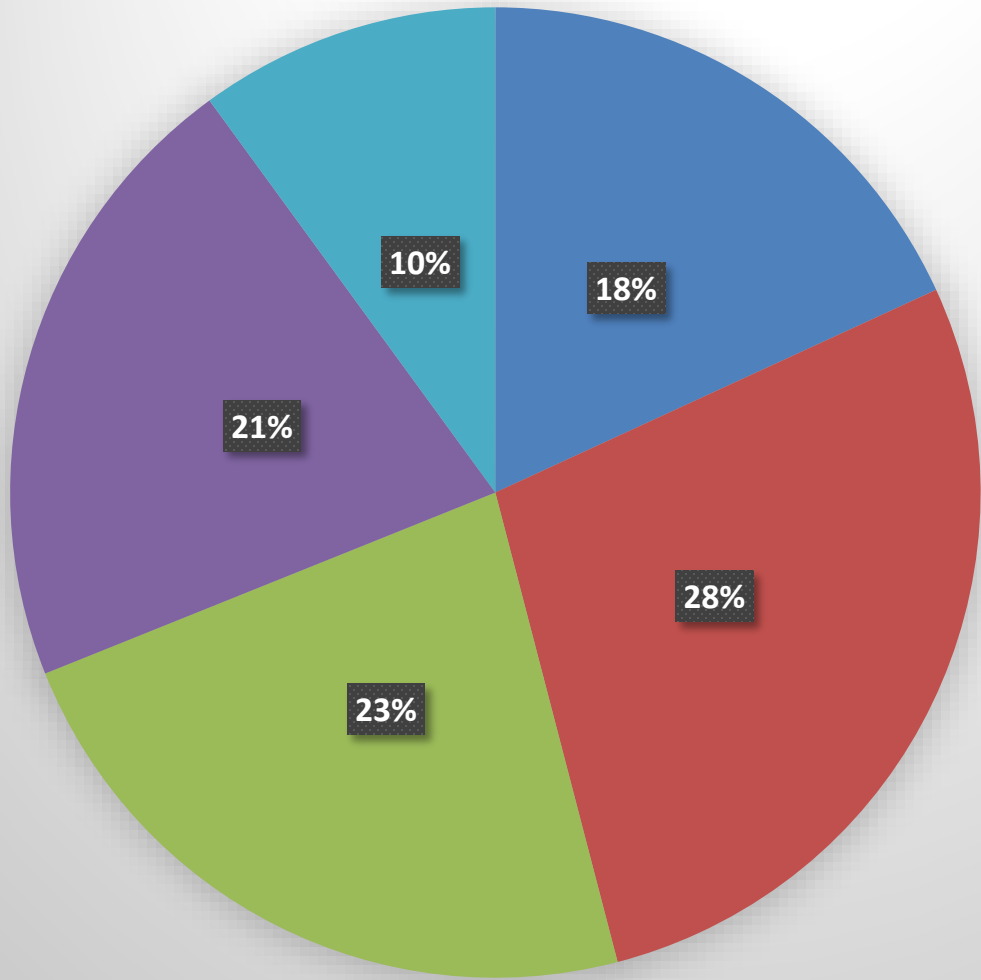
## “Fault” Cases

- Black (30%)
- White(28%)
- API (15%)
- Latino (14%)

## No-Fault Cases

- Latino (34%)
- API (29%)
- White (27%)
- Black (3%)

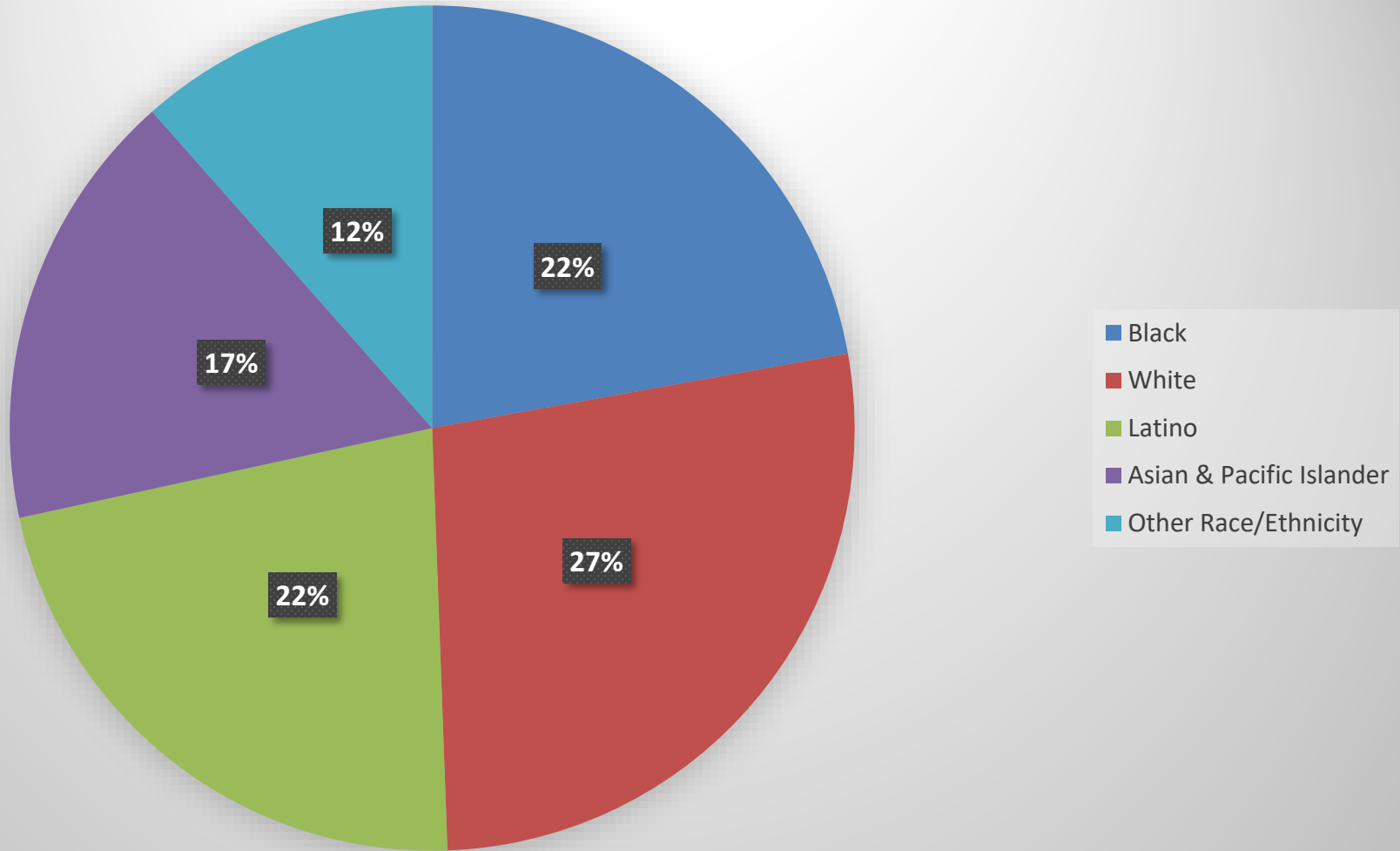
# All Full-Scope Representation Cases by Race



- Black
- White
- Latino
- Asian & Pacific Islander
- Other Race/Ethnicity



# All Cases in Eviction Defense System by Race



# Highest Utilization by Neighborhood

## Fault Cases

- Tenderloin (20.5%)
- South of Market (12.3%)
- Mission (11.5%)
- Bayview (5.9%)
- Western Addition (4.9%)

## No-Fault Cases

- Mission (23.8%)
- Outer Richmond (8.2%)
- Excelsior (7.8%)
- Russian Hill (6.4%)
- Sunset/Parkside (6%)

# Full-Scope Client Outcome Highlights

- 67% of closed cases resulted in household **staying in their home**
  - Highest success rate for Black households at 80%
  - Lowest for API households at 56%
- 30.5% of closed cases resulted in household moving out
  - Of these, 78% resulted in household moving out with more time and/or money than they likely would have received without representation



# Lessons Learned

- **Legal aid attorney recruitment & retention**
  - Support staff (paralegals, social workers, etc.) are essential
  - Partner with law schools to support legal aid pipeline
  - Provide high-quality litigation training to new attorneys
  
- **Program is still ramping up...**



# Moving Forward

- **47 TRC attorneys with support staff**
  - 42 positions filled
  - 5 positions unfilled
- **Annual avg. caseload per TRC attorney: 50**
- **Clients receiving less than full-scope representation (annualized): 1,092 cases**

# FY20-21 Proposed Funding

- **FY20-21 MOHCD TRC Funding: \$9.8 million**
- **Cost per “fully loaded” TRC attorney: \$220,000**
  - 1 FTE attorney, .3 paralegal, .3 social worker, .2 supervising attorney, .15 intake staff; \$300 litigation expenses per client; 15% overhead



# Costs of High-Quality Legal Representation

POSITION	FTE	SALARY	SALARY + FRINGE	TOTAL
Attorney	1	\$75,000	\$97,500.00	\$97,500.00
Paralegal	0.33	\$55,000	\$71,500.00	\$23,595.00
Social Worker	0.33	\$60,000	\$78,000.00	\$25,740.00
Supervising Attorney	0.2	\$85,000	\$110,500.00	\$22,100.00
Intake Worker	0.15	\$50,000	\$65,000.00	\$9,750.00
<b>PERSONNEL SUBTOTAL</b>				<b>\$178,685.00</b>
Litigation Costs (\$300/case for 50 cases)				\$15,000.00
<b>PERSONNEL &amp; LITIGATION SUBTOTAL</b>				<b>\$193,685.00</b>
Indirect (15%)				\$29,052.75
<b>TOTAL</b>				<b>\$222,737.75</b>

