



**Tenant Right to Counsel (TRC):
2024 Update to
Land Use and Transportation Committee**



CITY AND COUNTY OF
SAN FRANCISCO

MAYOR LONDON N. BREED

April 29, 2024

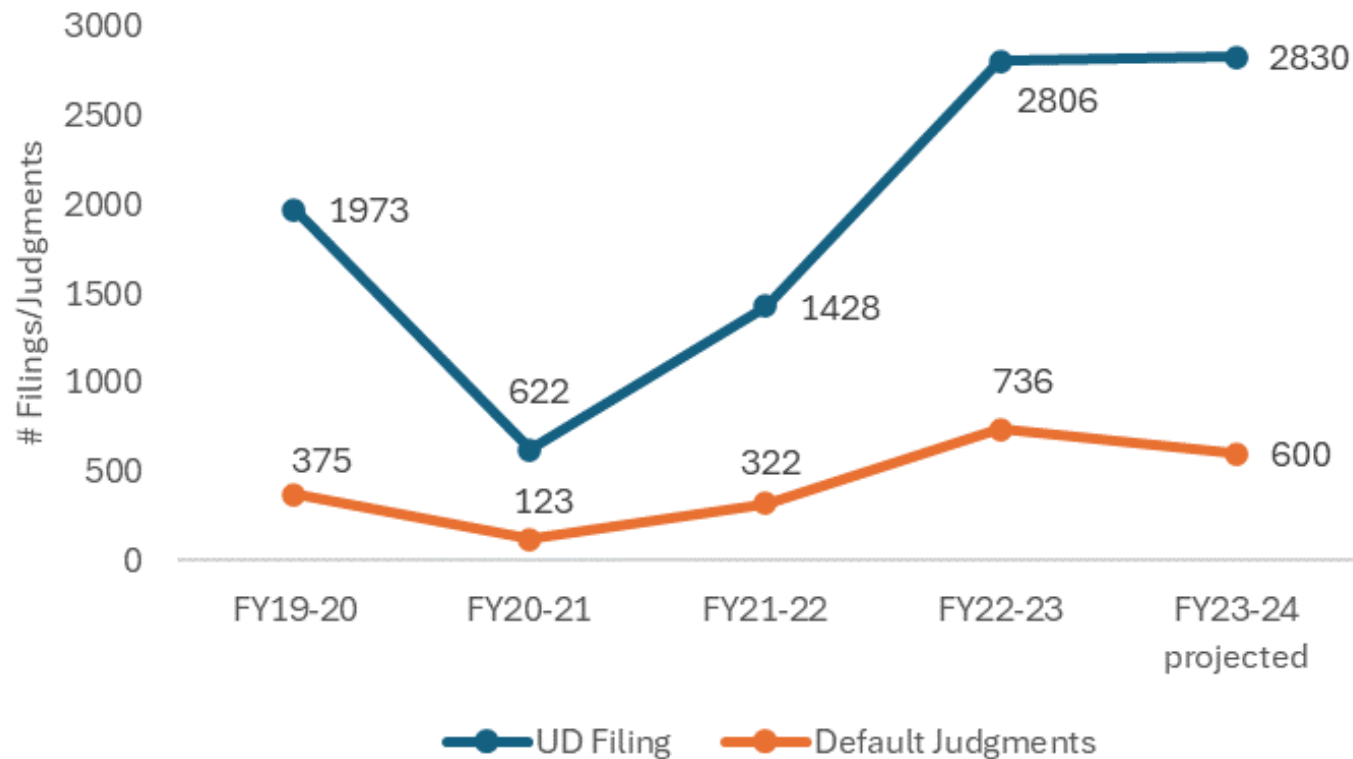
Tenant Right to Counsel Update

- Extent of the Eviction Issue
- MOHCD's Broader Eviction Prevention Strategy
- SF's post-pandemic eviction landscape
- Tenant Right to Counsel Program
 - Program Structure
 - How We Measure Success
 - Successes & Challenges
 - Lessons Learned



Unlawful Detainers & Defaults in San Francisco

Unlawful Detainers & Default Judgments FY20 - FY24



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
- **Small Sites Program**



Proposition F – History & Scope

- Proposition F (“No Eviction Without Representation Act”) was approved by voters in 2018 and began in July 2019.
- Prop F provides for full scope representation of all S.F. tenants who have been served with a notice terminating tenancy or court eviction papers
- Prop F excludes:
 - Eviction cases where landlord or master tenant reside in the same unit as the tenant
 - Default Judgements/Motion to Vacate
 - Foreclosed owners



Tenant Right to Counsel Partnership

- **Legal aid partners:**
 - AIDS Legal Referral Panel (ALRP)
 - Asian Pacific Islander Legal Outreach (APILO)
 - Bay Area Legal Aid (BayLegal)
 - Eviction Defense Collaborative (EDC) - *Lead Agency*
 - Homeless Advocacy Project (HAP), a project of the Justice & Diversity Center at BASF
 - Legal Assistance for the Elderly (LAE)
 - Open Door Legal (ODL)
 - Tenderloin Housing Clinic (THC)



Current Eviction Defense System with Tenant Right to Counsel

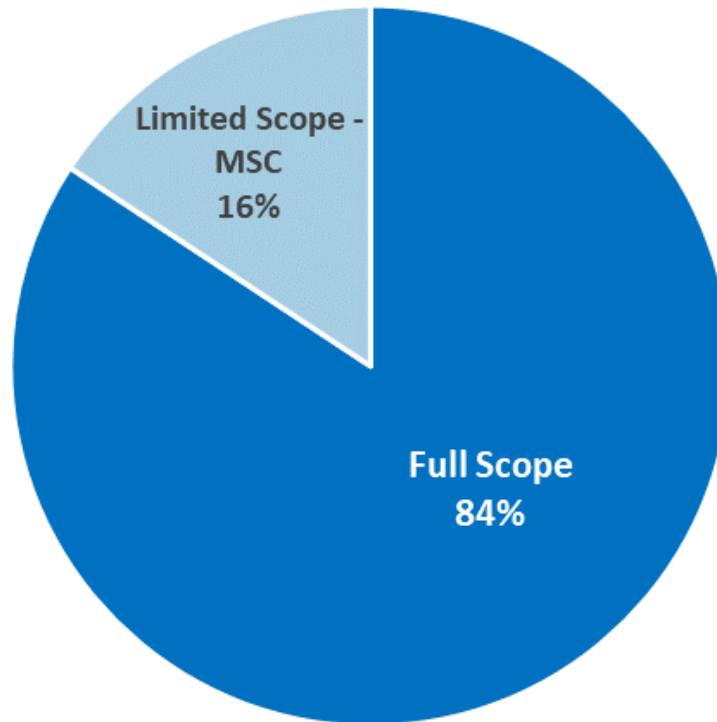
- 1. *Pro per* assistance with Answer or Referral to Full-Scope attorney – available to all, no vulnerability scoring**
- 2. Full-scope representation – subject to vulnerability scoring**
- 3. Limited-scope representation at pretrial mandatory settlement conference – available to all, no vulnerability scoring**



TRC Cases by Service Type

TRC Cases by Service Type - FY 22-23

1800 cases



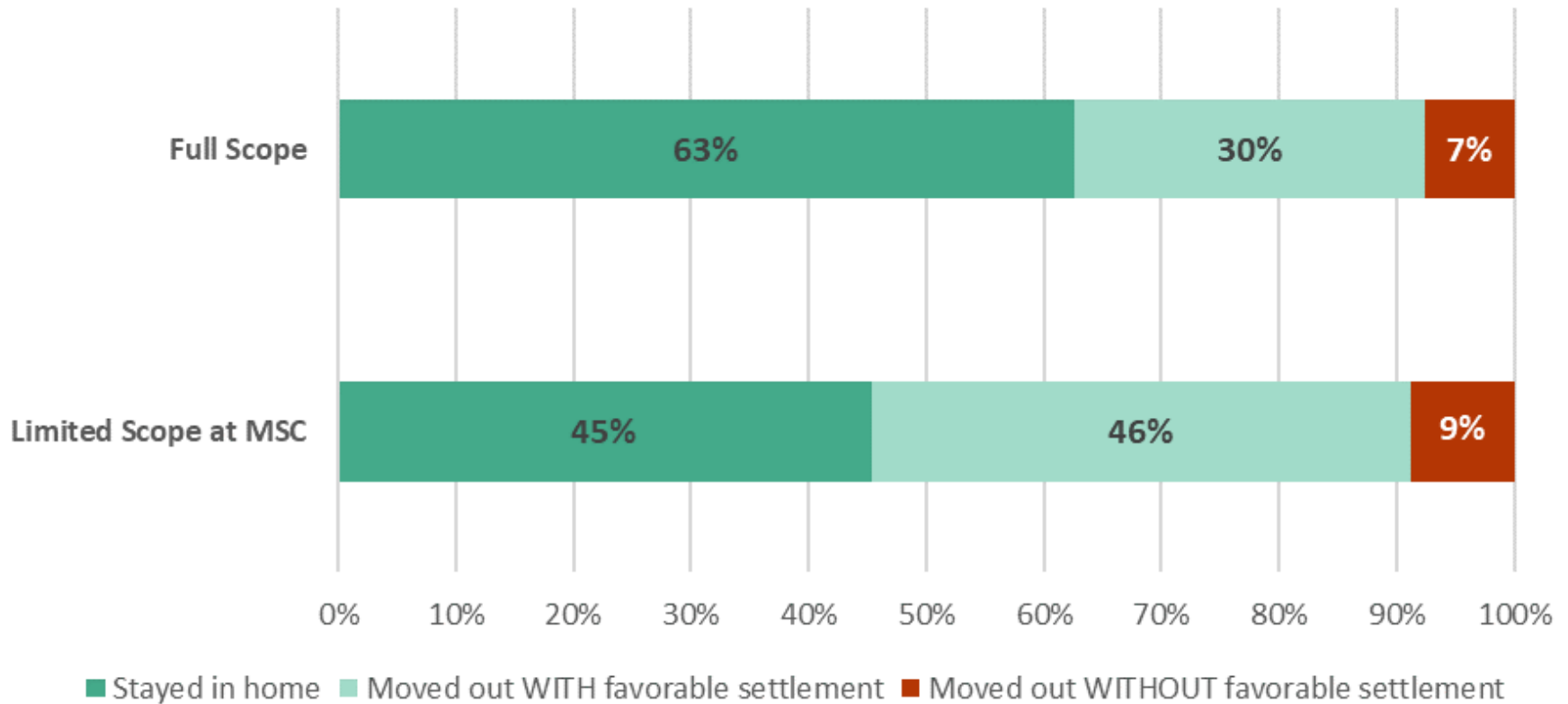
TRC Helps Prevent Homelessness

92% of tenants who received representation through Tenant Right to Counsel **avoided homelessness**



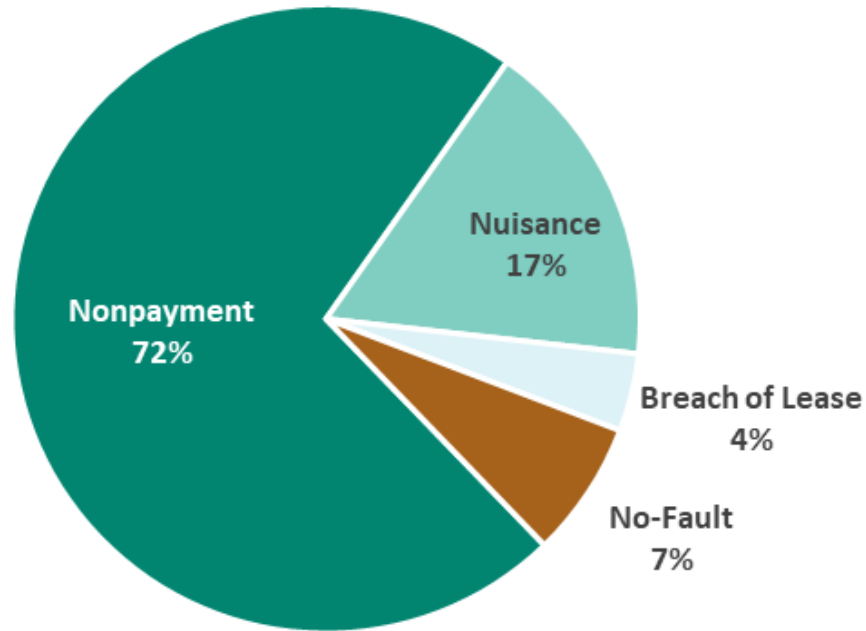
TRC Outcomes: Full Scope vs. Limited Scope

Outcomes by Service Type (FY22-23)



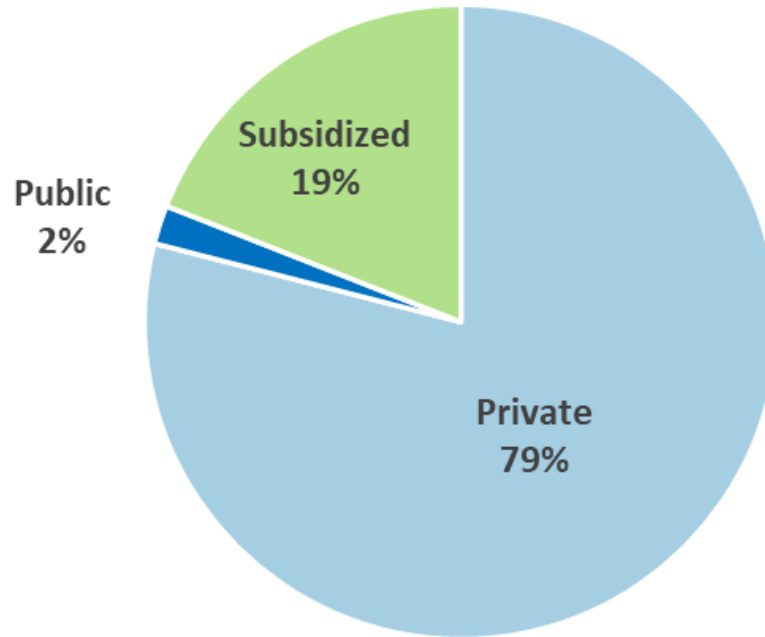
TRC Intake by Alleged Cause

TRC Intake by Alleged Cause
FY22-23



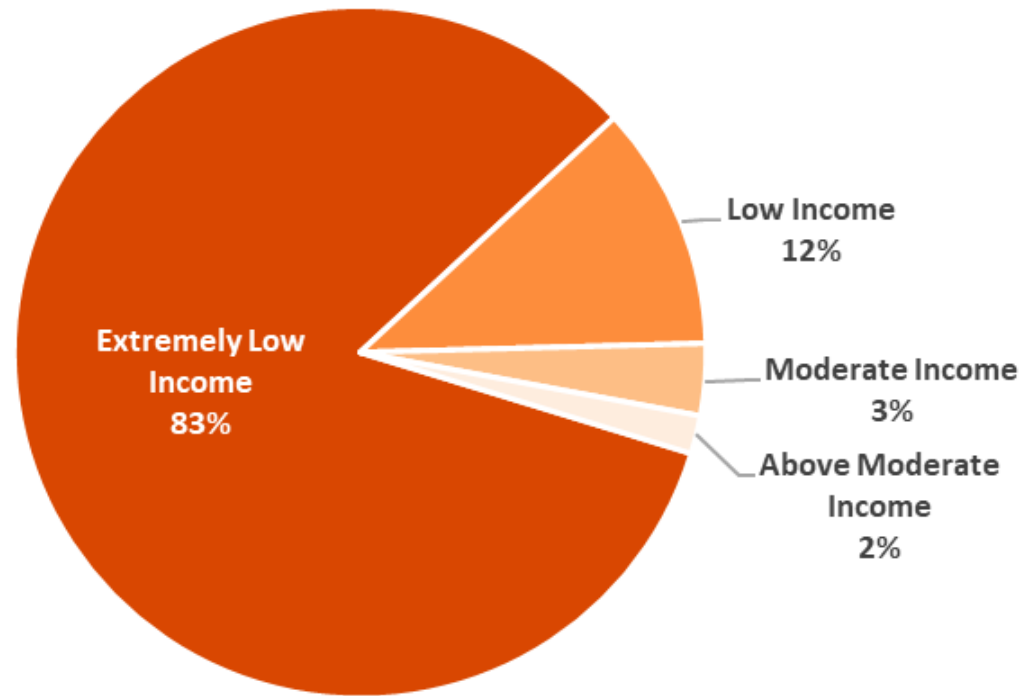
TRC Cases by Housing Type

TRC Cases by Housing Type - FY22-23



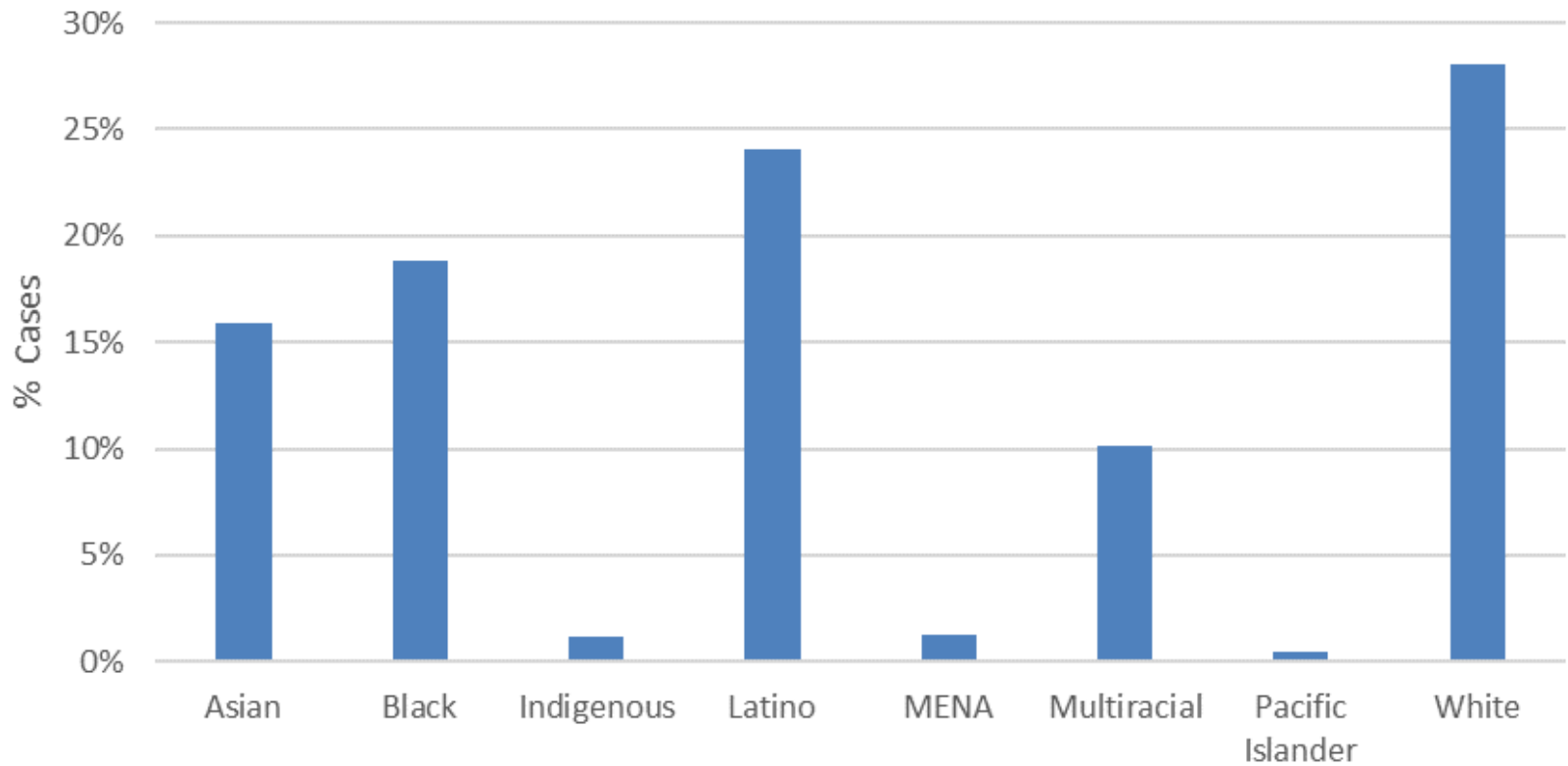
TRC Cases by Client Income Level

TRC Cases by Client Income Level
FY22-23



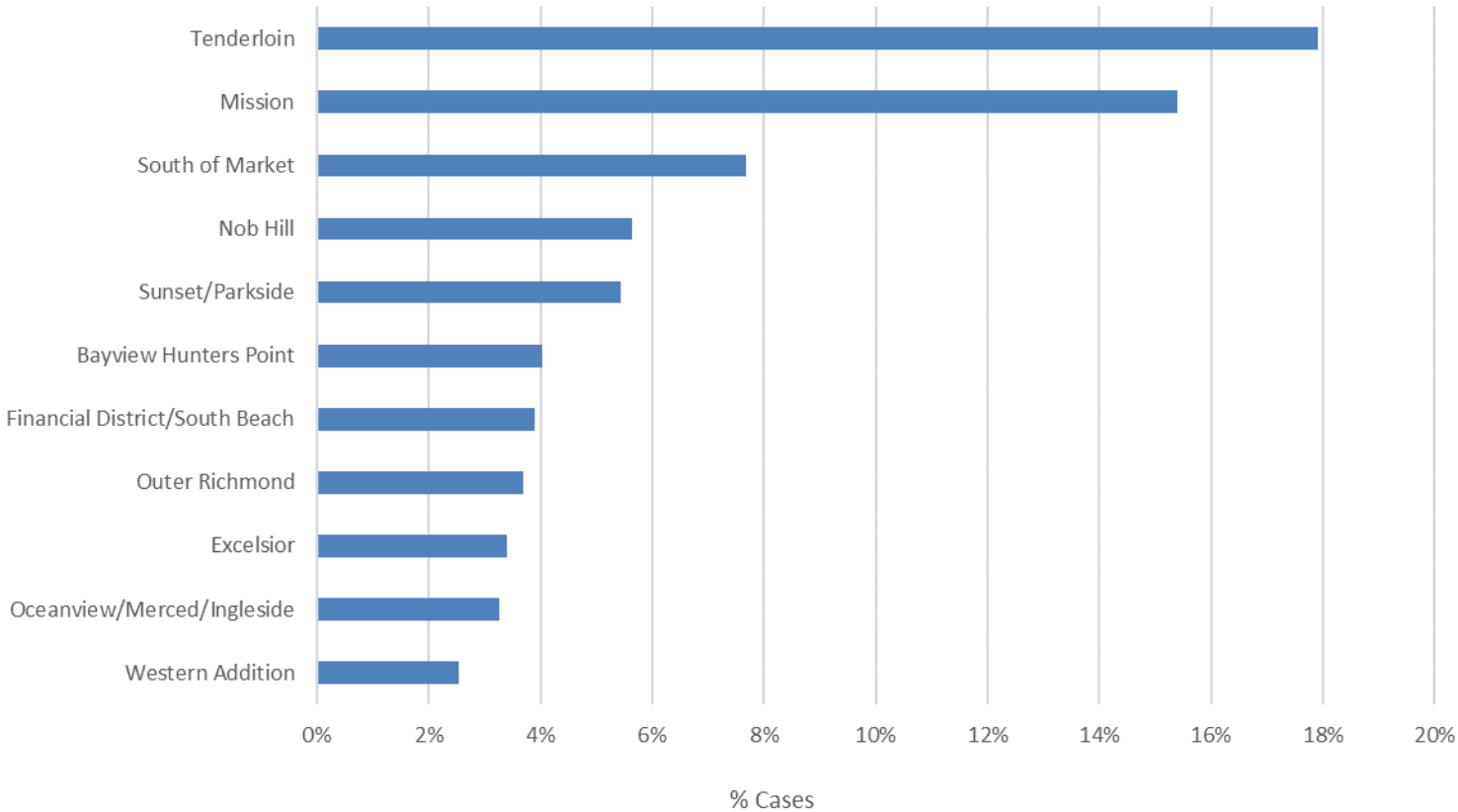
TRC Cases by Client Race/Ethnicity

TRC Cases by Client Race/Ethnicity
FY22-23



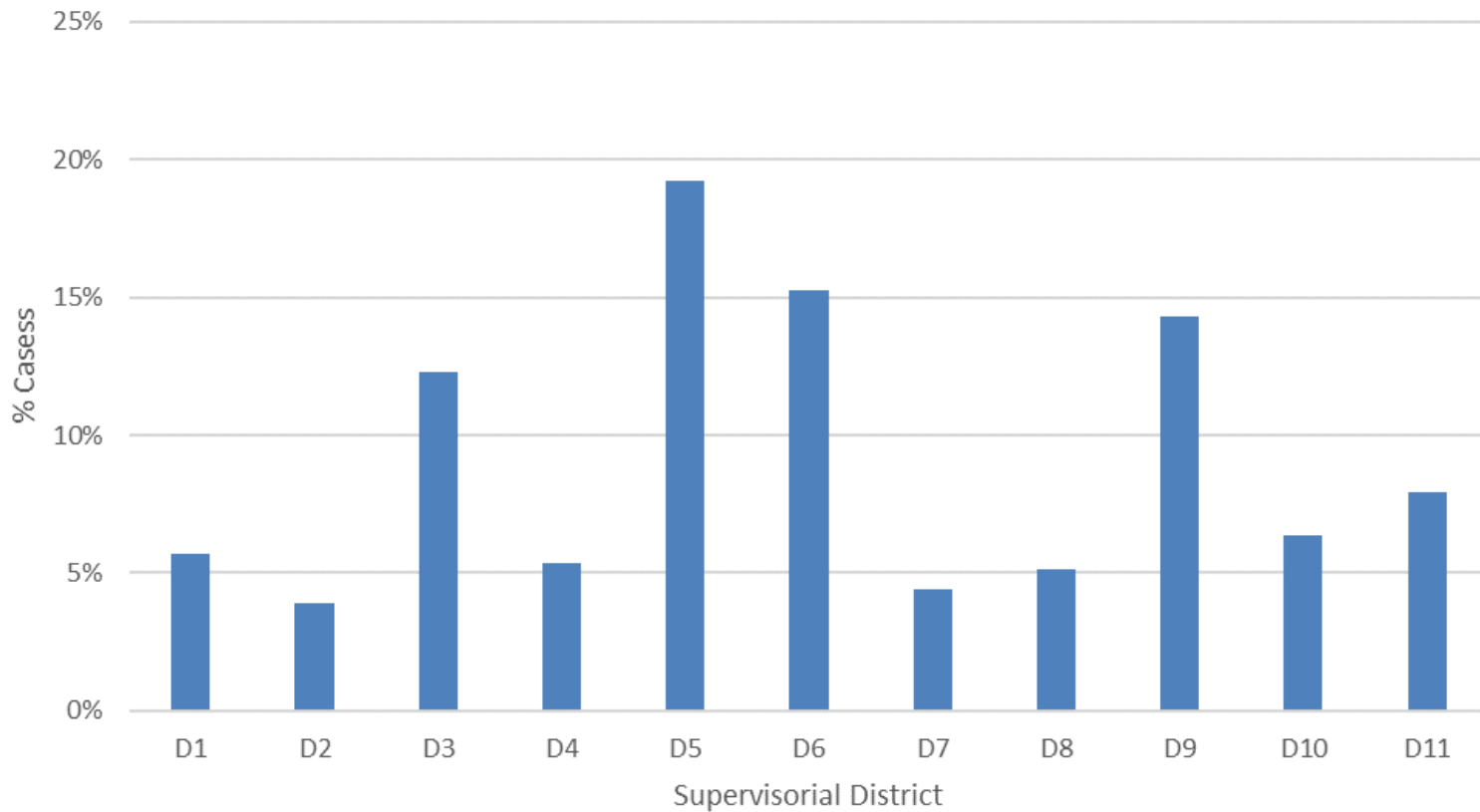
TRC Cases by Neighborhood

TRC Cases - Top Neighborhoods
(FY22-23)



TRC Cases by Supervisor District

TRC Cases by Supervisorial District (FY22-23)



Successes of TRC Program

- 92% of tenants who received representation through Tenant Right to Counsel avoided homelessness
- Integration of program with SF ERAP and staff social workers provide additional supports to clients
- San Francisco's TRC program is a national model of a cost-effective homelessness prevention strategy



Lessons Learned

- **A vulnerability scoring system for full-scope cases was needed because first come first served was not effective for targeting most vulnerable**
- **Legal aid attorney recruitment & retention**
 - Salaries must be competitive for hiring and retaining attorneys
 - Support staff (paralegals, social workers, etc.) for efficient use of attorney time and effective client services
 - Build a legal aid housing attorney pipeline:
 - TRC-wide partnership with law schools
 - Develop Fellowship positions leading to post graduation and post Bar employment
 - Provide high-quality litigation training to new attorneys
 - Factor in ramping up time needed to train new attorneys to achieve deliverable goal of 50 cases



FY23-24 Funding

- **FY23-24 MOHCD TRC Funding: \$17.7 million**
- **Cost per “fully loaded” TRC legal defense team: \$315,000**
 - 1 FTE attorney, .33 paralegal, .05 social worker, .25 Social Services Advocate, .25 Legal Supervision .15 intake staff; \$660 litigation expenses per client; 15% overhead



Moving Forward

Current Staffing (23-24):

- 44 staff and senior staff attorneys
(8 vacancies)
- 13 Supervising attorneys
- 9 law fellows



Thank You!

