

EVICTON PREVENTION & HOUSING STABILIZATION

TENANT RIGHT TO COUNSEL

Strategy Description

San Francisco voters passed the No Eviction Without Representation Act of 2018 (“Prop F”) on June 5, 2018. Prop F established a policy that all residential tenants facing eviction have the right to full-scope legal defense. This ordinance went into effect on July 11, 2019. The resulting program, Tenant Right to Counsel (TRC), is intended to ensure that tenants receive legal representation in the case of an eviction, from start to finish. This representation includes, but is not limited to: filing responsive pleadings, appearing on behalf of a tenant in court proceedings, and providing legal advice.

Prop F requires that full-scope legal representation be available to a tenant thirty days after the tenant is served with an eviction notice or upon service of an unlawful detainer complaint (whichever occurs first). Legal representation must continue at least until such time that the eviction notice or unlawful detainer complaint is withdrawn, the case is dismissed, or a judgment in the matter is entered. TRC program policies and procedures are subject to change at the discretion of the City and County of San Francisco. TRC will be implemented by a lead partner, coordinating and collaborating with TRC partner agencies.

Housing legal services not related to an eviction or when an eviction is imminent are not eligible under this grant. For applicants interested in applying for general housing legal services funding, view the Housing Justice strategy under the Access to Civil Justice program area on page 70 of this RFP.

Functions of TRC Lead Partner

The TRC Lead Partner will provide the following services and activities:

- Full-scope legal representation of Prop F-eligible clients and limited services to all other clients facing eviction;
- Eviction prevention rental assistance to eligible clients;
- Recommendations for TRC program policies and procedures;
- Coordinate coverage at Mandatory Settlement Conferences and, along with MOHCD, serve as San Francisco Superior Court’s TRC program point of contact;

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Strategy Description (continued)

- Develop and operate data management systems to perform case management and program-wide referral functions;
- Assess program-wide workforce development needs;
- Convene case conferences and promote best practices;
- Deliver periodic trainings to TRC Partners and community stakeholders (e.g., tenant counselors); and
- Support MOHCD with TRC program data collection and evaluation.

Functions of TRC Partners

TRC Partners will provide the following services and activities:

- Full-scope legal representation to Prop F-eligible clients, consistent with their respective organizational missions and TRC program policies and procedures.

Eligible Costs

Eligible costs include, but are not limited to:

- Staff (e.g., attorneys, paralegals, social workers, tenant advocates, and social services navigators for special needs clients only);
- Litigation (e.g., service of process, deposition, and investigation);
- Program delivery (i.e., shared and direct program costs); and
- Indirect costs (not to exceed higher of 15% of the grant amount or federally-approved indirect cost rate).

The TRC Lead Partner can also include the following eligible costs:

- Direct financial assistance (e.g., back rent assistance); and
- Performance of program-wide functions (e.g., staff and consultants).

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Strategy Description (continued)

Expectations

A full-time TRC program attorney will be expected to work an annual caseload of at least 50 full-scope cases. However, caseloads made up of a significant number of special needs clients may have less than 50.

To ensure consistent and high-quality legal representation across providers, individual TRC Partner programs that have fewer than two dedicated staff attorneys and one dedicated supervising attorney with at least five years' experience in housing law may receive their grant funding in the form of a subcontract. As a subcontractor to the TRC Lead Partner, these programs would receive supplemental supervision and programmatic support through that contractual partnership.

MOHCD reserves the right to separate collaborative grant awards, or combine individual grant awards to form collaborative grants.

In your proposal:

- Applicants who currently receive TRC grant funding should describe their current MOHCD-funded program budget, including staffing (for both filled and vacant positions) and subcontractors. Indicate whether you are seeking less, continued or increased funding. If you are requesting increased funding, describe the unmet need and your proposed approach to addressing it.

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Key Metrics

Here are some suggested outcomes to include in your proposal:

Outcome Metric
of full scope representation cases
of residents who stay in their home
of residents who move out with enough time and/or money to secure alternate housing
of residents who move out without enough time and/or money to secure alternate housing

Feel free to expand on these, or offer other measures of success in your proposal.

Applicant Qualifications

- Applicants must have at least three years' experience providing full-scope legal representation to residential tenants facing eviction in San Francisco; and
- All applicants must have a demonstrated commitment to coordinating efforts with other local legal services and tenant counseling organizations.