

CITY OF OAKLAND

AGENDA REPORT

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OFFICE OF THE CITY CLERK
OAKLAND
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TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: November 27, 2007

RE: **A Supplemental Report Regarding A Resolution Approving A Two-Year Grant To A Maximum Of \$100,000 Per Year (\$200,000) To The East Bay Community Law Center To Counsel And Represent Low Income Participants In Oakland Rent Adjustment Program Hearings And Appeals To The Rent Board, With An Option To Extend The Grant An Additional Three Years, One Year At A Time, To A Maximum Of \$100,000 For Each Year Of Extension.**

SUMMARY

At the Community and Economic Development Committee meeting of November 17, 2007, staff was asked to answer four questions and to provide the contract benchmarks for East Bay Community Law Center's performance.

BACKGROUND

In 2004 the City Council directed staff to enter into a third party agreement to provide representation to low income landlords and tenants before the Rent Adjustment Program. A request for Proposals was issued. After a competitive process, the East Bay Community Law Center proposal was rated highest by a selection committee chaired by the Chairperson of the Housing Residential Rent and Relocation Board. An agreement was reached and the program was put into operation in January 2005. A monitoring report was presented to the City Council June 13, 2006 and the contract was renewed for a second year with modifications to the program. The present Council item requests continuation of the contract for two additional years, with an option for three one-year extensions.

KEY ISSUES AND IMPACTS

Most of the information requested by the Committee was related to the contractor and not the contract. The following information was provided by the East Bay Community Law Center.

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1. East Bay Community Law Center Workload.

“The Housing Law Practice of the East Bay Community Law Center works to prevent homelessness in the East Bay. A staff of five attorneys, one paralegal, and numerous law students:

- Conduct outreach and education workshops for tenants;
- Assist pro per clients at the county courthouse (the Low Income Eviction Project);
- Represent clients in administrative hearings at local public housing authorities and the Berkeley and Oakland rent boards;
- Represent clients in civil eviction defense proceedings; and
- Develop affirmative lawsuits to enforce habitability standards and other applicable housing laws.

Because of a limitation of resources compared to the need, the Law Center “triages” housing cases by providing a range of possible services. We provide brief services (information and referrals) to the majority of people who contact us (55%). For a smaller number, we are able to offer pro per (self-help) assistance (37%). For an even smaller number, we are able to provide representation at either administrative or court settings (7%).”

2. Under What Circumstances Do Tenants Contact The EBCLC?

“Most tenants facing eviction contact the Law Center when they have received a three-day notice to pay rent or quit. Landlords can serve these notices at any point after they believe that rent is unpaid, therefore, we may be contacted by tenants at any point after they have been served.”

Based on information provided during the City of Oakland’s program audit, most tenants requesting assistance with Rent Adjustment issues are referred to EBCLC by the Rent Adjustment Program or are identified through EBCLC tenant workshops.

3. EBCLC Criteria For Accepting Cases.

“Eviction Defense Case Selection Criteria:

The Housing Practice accepts cases for representation where the legal staff have determined that there are factual and legal defenses to the eviction. With very limited exceptions, we represent clients who meet low-income requirements (i.e., meet the court’s criteria for fee waiver eligibility). In addition, we prioritize representation of vulnerable populations, including seniors, people with disabilities and tenants in subsidized housing.”

Information provided during the City of Oakland’s program audit:

An Intake Specialist screens incoming calls regarding housing problems at EBCLC. The eligibility requirement for representation is 80% of area median income. About half of the incoming calls are Rent Adjustment issues and are referred to the Staff Attorney assigned to the

Low-Income Representation Program. The Staff Attorney advises about half of the clients, i.e., discussing options such as Small Claims Court when people are seeking more than an adjustment in their rent. Some clients get assistance filling out their petition, but do not want help after the petition is filed. After complaints are reviewed, the Staff Attorney determines that some are without merit and are not prosecuted further. When, after review of the file by Rent Program staff, a summary Administrative Decision is issued, further representation usually becomes unnecessary and the EBCLC file is closed.

In making a determination to represent tenants at Hearings, preference is given to seniors, disabled, or tenants with language barriers.

4. East Bay Community Law Center Contract Benchmarks and Performance

East Bay Community Law Center (“EBCLC”) and its subcontractor, Centro Legal de la Raza (“CLR”), have assisted 180 clients in the past year with counseling and representation for Rent Adjustment cases, excluding representation in court. They provided the following services:

- Completion of Rent Adjustment petition forms
- Motions for continuances
- Organizing and submitting documentary evidence
- Representation of clients in Rent Adjustment hearing
- Drafting of appeals to the Rent Board
- Representation of clients in appeal hearings before the Rent Board
- Conducting intake workshops, as and if required, at sites selected by Contractor for the purpose of efficiently processing client referrals
- Verify client income eligibility.

The representation services were provided by trained law student interns and an Intake Specialist working under the supervision of a staff attorney in the Housing Unit.

Project Goals

The specific service targets of the Low Income Representation Project (“Project”) were to 1) advise up to 15 tenants with rent issues per month (180 per year); and 2) represent up to 45 persons per year, distributing cases as appropriate between EBCLC, CLR, and Bar Association. These goals would be monitored by a monthly monitoring report. The Rent Adjustment Program would refer potential clients to the Bar Association, CLR, or EBCLC, as appropriate.

In the past year of operation, the contractor and their subcontractors, met their project goal of servicing 180 clients. One landlord requested representation from the Bar Association.

The term of the contract was September 1, 2006 through August 31, 2007. During this period, the following data was reported:

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For the Contract period, EBCLC provided assistance to 180 clients. EBCLC and subcontractor CLR provided advice and counsel without representation to 88 clients and representation was undertaken in 92 cases. Of the 92 cases accepted for representation, there were 58 appearances at Rent Adjustment hearings and 51 appearances at appeal hearings before the Rent Board. According to Rent Adjustment Program records, the EBCLC clients prevailed in 54 of 65 cases in which they appeared.

Alameda County Bar Association/Volunteer Legal Services Corporation

The monthly monitoring reports did not indicate any referrals to volunteer attorneys for low income landlord representation. However, the staff of ACBA/VLSC reported that during the contract period, 267 low income landlords, including some “master tenants” (tenants who are sharing their units), attended informational workshops.

Ethnicity

The ethnic breakdown of tenants assisted by contractor during the contract period was as follows:

45	White
54	Black
30	Asian
1	Pacific Islander
5	American Indian or Alaskan Native
1	Black and White
1	Other
8	Hispanic and White
34	Hispanic & Indian American or Alaskan Native
1	Hispanic & Indian American or Alaskan Native and White
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180	Total

These are the same services that EBCLC has successfully provided in the past, using the same subcontractors. The number of clients to be served by EBCLC and CLR will increase in proportion to the amount of the grant allocated to each. The scope of services provided to landlords by the Bar Association will be negotiated to include other Rent Control-related educational services beyond representation.

Respectfully submitted,

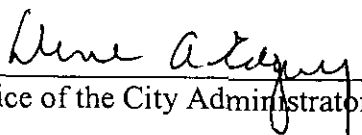


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APPROVED AND FORWARDED TO THE
CITY COUNCIL:


Office of the City Administrator

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