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OAKLAND

2013 OCT 31 PM 3:24

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Michele Byrd

SUBJECT: Low-Income Client Representation Contract

DATE: October 17, 2013

City Administrator

Date

Approval

10/23/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council adopt:

A Resolution Approving A Grant In The Amount Of \$100,000 Per Year For Two Years With The Option For Three One-Year Extensions To Represent Low Income Landlords And Tenants In Rent Adjustment Program Hearings And Appeals To The Rent Board, With \$90,000 Allocated To Centro Legal De La Raza To Provide Representation To Tenants, And \$10,000 Allocated For Landlord Representation By An Agency As A Sub Grantee Or By Separate Contract For The Low Income Client Representation Program For Rent Adjustment

BACKGROUND/LEGISLATIVE HISTORY

Pursuant to City Council Resolution No. 76930 C.M.S., the City of Oakland Rent Adjustment Program entered into a contract with the East Bay Community Law Center (EBCLC) to operate a trial Low Income Client Representation Program (the Program) for one year. The purposes of the Program were to assist low income clients of the Rent Adjustment Program (RAP) present their cases at RAP hearings and before the Rent Board, help maintain the neutrality of the functions, provide advocacy services to help resolve disputes between low-income tenants and landlords, and to secure their rights under Oakland's Ordinances that impact the landlord-tenant relationship. The term of the contract was from January 1, 2005 through December 31, 2005. Through a subcontract with Alameda County Bar Association/Volunteer Legal Services Corporation (ACBA/VLSC), EBCLC would also provide counseling and representation to low-income landlords.

Based on favorable results the first year, the contract was renewed for a second year with modifications as to the scope and type of services and the amount was reduced to \$75,000. The

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term of the renewed contract was from September 1, 2006 through August 31, 2007. The renewed contract required that some services would be provided through a subcontract with the Alameda County Bar Association/Volunteer Legal Services Corporation and Centro Legal de la Raza.

The Program resumed operations in July 2008 pursuant to Resolution No. 81218 C.M.S., approved by City Council April 15, 2008. The group of agencies providing the direct representation services included Centro Legal de la Raza (CLR) as the prime grantee, with the Alameda County Bar Association Volunteer Legal Services Corporation (ACBA/VLSC) and Bay Area Legal Aid (Bay Legal) as sub grantees. Operations under the grant began in July 2008. After the second year of the contract, it was renewed annually for three years.

The following report covers the Program's operations beginning July 1, 2008 and ending June 30, 2013.

Scope of Services

CLR agreed to provide the following services:

- Completion of Rent Adjustment petitions forms
- Motions for continuances
- Organizing and submitting documentary evidence
- Representation of clients in Rent Adjustment hearings
- 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 would be provided by trained law students interns and an intake specialist working under the supervision of a staff attorney in the Housing Unit. The representation ceases at the Rent Board level and does not extend to further appealing a decision by filing a writ in Superior Court.

Program Goals

From FY 08-09 through FY 10-11, the specific service targets of the Program were to:

- Conduct outreach to 15,000 low-income tenants per year
- Advise up to 230 tenants and 10 landlords with rent issues per year

- Provide pro-per petition-filing assistance for up to 115 tenants and up to 5 landlords per year.
- Screen 960 tenants and 40 landlords for income eligibility per year

Amended Contract Goals and Budget

Due to the lack of participation by low-income landlords, the budget for landlord services was adjusted for FY 10-11 (see ***Attachment IA & IB***). The adjusted budget allocated funds for personnel and operations, but specified an amount that would be paid only if a landlord received assistance.

Staff requested that CLR provide a detailed report of all services provided (see ***Attachment 2***). After reviewing the report and meeting with CLR's executive director, the Scope of Services was amended in FY 2011-2012 to capture all services provided that related to Rent Adjustment issues. The amended goals for the grant were to:

- Conduct outreach to 15,000 low-income tenants and landlords
- Provide limited scope services for at least 400 tenants and 10 landlords per year for Rent Adjustment issues
- Provide extensive services for at least 60 tenants and 5 landlords per year for Rent Adjustment issues
- Provide legal representation for 50 tenants and 5 landlords at Rent Adjustment hearings per year;
- Screen 800 tenants and 15 landlords for income eligibility.

Limited scope services would include, but are not limited to, advice and counsel, preparation of simple or routine documents, and/or brief interactions with other parties. Examples include preparing short letters or making a phone call.

Extensive services refers to a case where the legal service provider undertook extensive activities (e.g., research, preparation of complex legal documents, interaction with third parties on behalf of a client, ongoing assistance to clients, filling out of a pro per rent board petition, etc.), but the case did not result in legal representation.

These goals would be monitored by a monthly monitoring report.

OUTCOME

Summary of Program Data

From FY 08-09 through FY 12-13, the following data was reported:

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TENANT DATA

Term	Advice and Counsel	Pro-Per Filing Assistance	Outreach	Screening
FY 08-09	513	66	14,815	598
Percent of Goal Reached	223%	57.4%	98.8%	62.3%
FY 09-10	392	67	21,617	892
Percent of Goal Reached	170%	58.3%	144.1%	92.9%
FY 10-11	175	49	18,837	369
Percent of Goal Reached	77%	42.6%	125.5%	38.4%

Term	Limited Scope	Extensive Scope	Legal Representation	Screening	Outreach
FY 11-12	344	48	26	1,106	11,055
Percent of Goal Reached	86%	80%	52%	138%	73.7%
FY 12-13	516	60	44	1,543	16,651
Percent of Goal Reached	129%	100%	88%	192.8%	111%

LANDLORD DATA

Term	Advice and Counsel	Pro-Per Filing Assistance	Outreach	Screening
FY 08-09	10	0	310	235
Percent of Goal Reached	10%	0	Included in tenant stats	588%
FY 09-10		2	290	336
Percent of Goal Reached		20%	Included in tenant stats	840%
FY 10-11	0	0	118	369
Percent of Goal Reached	0	0	Included in tenant stats	922.5%

Term	Limited Scope	Extensive Scope	Legal Representation	Screening	Outreach
FY 11-12	0	0	0	296	200
Percent of Goal Reached	0	0	0	700%	Included in tenant stats
FY 12-13	0	0	0	232	250
Percent of Goal Reached	0	0	0	154.6%	Included with tenant stats

ANALYSIS

During the entire term of the contract, CLR and the subcontractors surpassed the goals for screening and outreach. In each year of the contract, tenant representation met over 50% of the contact goal, with the exception of FY 10-11.

The goal of securing the rights of tenants under Oakland's Ordinances and enabling them to successfully present their cases before RAP and the Rent Board has been met with this contract. However, the only instance in which landlords were assisted occurred in FY 09-10. The assistance involved two landlords who met the income requirements and needed assistance with filling out forms: one landlord had a disability and one landlord was a non-English speaker.

Audits

The contract mandates periodic audits of the Program by RAP Staff. An audit was conducted in 2009 and in 2011. In 2009, there were four findings regarding:

- Intake and Appointment process
- Staff assigned to Rent Board cases
- Training
- Low-income landlords

As a result of the findings, Bay Legal modified the intake and appointment process to provide more user friendly telephone access; CLR assigned another staff attorney to Rent Adjustment cases; and it was agreed that training would be provided by Rent Adjustment staff each year for the duration of the contract.

A meeting was held with the staff attorney at ACBA to discuss outreach to landlords. It was decided that the low-income client representation program would be highlighted at all informational workshops for landlords, regardless of the topic of the workshop. In addition,

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Staff suggested that they contact the Rental Housing Association (now the East Bay Rental Housing Association), regarding outreach strategies.

In 2011, there was one finding regarding the documentation of income for Rent Adjustment cases. The process for verifying income was thereafter clarified for individual appointments verses group settings.

Landlord participation had not improved in 2011; however, ACBA had tried all of the outreach strategies that were discussed in the 2009 audit. Their efforts included reaching out to the Rental Housing Association for advice. Despite the failure of these efforts, ACBA remained committed to their outreach efforts to low-income landlords.

The audits found that the quality of tenant representation by CLR and Bay Legal improved substantially after the first year of the contract. Yearly training by the RAP resulted in staff attorneys at CLR and Bay Legal having a thorough knowledge of the Rent Ordinance. The staff attorneys became very effective advocates for tenants, either by working with their landlords to settle cases or by representing them at RAP and Rent Board hearings.

Request for Proposals

The contract began on July 1, 2008 and ended June 30, 2013. A Request for Proposals (RFP) was issued in October, 2012 for award of the RAP contract for low-income tenants and property owners. The RFP was done in conjunction with the Community Block Grant (CDBG) Program; however, a separate Resolution and contract is required for RAP. Review of the Scope of Services in the RFP for Rent Adjustment was conducted in conjunction with the City Attorney's office.

Response to RFP

On October 30, 2012, CLR, the East Bay Community Law Center (EBCLC), and ACBA submitted a proposal. CLR would be the lead contractor and EBCLC and ACBA would be subcontractors. There were no other proposals submitted for the Program.

The proposal from CLR and subcontractors was accepted. However, on or around August 1, 2013, the subcontractors advised CLR that they no longer wanted to be part of the next contract. The loss of participation by EBCLC was not significant for CLR, as they were capable of delivering all services for tenants described in the Scope of Services; however, they could not deliver landlord services.

A meeting was held with the Executive Director of ACBA in an attempt to have their continued participation in the Program. However, the Director cited loss of staff and lack of interest from low-income landlords as the reasons their Agency could no longer participate.

ACBA had been the landlord component of the contract since the inception of the Program. Feedback from ACBA indicates that many landlords have technical questions regarding application of the Rent Adjustment Ordinance to their particular circumstances, which may explain their attendance at workshops conducted by ACBA; however, they were not interested in other services under the contract, even when they were income eligible.

Despite the failure of ACBA to meet the goals of the contract, Staff believes that assistance should be available for low-income landlords, even if the primary service is providing information about the application of the Rent Ordinance through workshops or other forums. Staff believes that ten percent of the Program funds should be allocated for this purpose.

Currently, Staff is preparing a Request for Qualifications for Agencies with the experience and qualifications to administer the landlord portion of the Program.

PUBLIC OUTREACH

Outreach to Tenants

CLR and Bay Legal have consistently exceeded the contract goal for outreach to tenants. The outreach consists of ongoing workshops, public presentations, and television and radio interviews. Information about the Low-Income client services is distributed at all public presentations.

RAP staff includes a flyer with information about the Program with all tenant packets. Tenants are also referred to the Program when they come into the RAP office for assistance.

Outreach to Landlords

ACBA has tried several outreach strategies: public presentations, workshops designed for landlords with Rent Adjustment issues, and distribution of written material. Separate from the terms of the contract, ACBA offers free services to seniors (60 and over), regardless of their income level:

While Landlords who qualify as low-income have taken advantage of informational workshops through ACBA, they have not taken advantage of assistance related to RAP issues. Landlords have given the following reasons to RAP Staff for not participating in the Program:

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- They are members of the East Bay Rental Housing Association and receive assistance through workshops
- They want to know the legal process for evicting tenants
- They have their own representatives
- They are not low-income

RAP staff sends flyers to landlords about the Program when Landlord Packets are sent requesting a response to a tenant petition. Landlords who come to the RAP office for assistance are also informed about the Program. RAP presentations before landlord organizations always include information about the Program. For example, at the 2012 East Bay Rental Housing Trade Expo, RAP staff conducted a workshop on the services offered under the Program. In 2013, the RAP advertised the Program in *Rental Housing*, a landlord's publication.

COORDINATION

This report and resolution have been reviewed by the Office of the City Attorney and by the Budget Office.

COST SUMMARY

Fiscal Impact

Staff recommends that the Low-Income Representation Program be funded at an annual level of 100,000 for FY 2013-2014 and FY 2014-2015 with an option by the City to extend the grant for an additional three years, one year at a time, to a maximum of \$100,000 for each year of extension. The funds for this grant are currently budgeted and available in the Rent Adjustment Program (Fund 2413, Project P190020, Org. 89969, Account 52921). These funds are restricted to use by the Rent Adjustment Program by Ordinance number 12517 C.M.S.

RECOMMENDATION

Based on the performance of the contract over the past five years, it is recommended that the City Council approve the attached Resolution allocating the amount of \$90,000 per year for two years with the option for three one-year extensions, for Centro Legal de la Raza to provide legal services to Oakland tenants with incomes up to 80% of a median income.

It is further recommended that the City Council approve \$10,000 for two years with the option for three one-year extensions for legal services to low income landlords with incomes up to 100% of median income and that a contract with a qualified Agency to represent low-income

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landlords be effective as soon as an agreement can be reached between the City and a qualified contractor without returning to Council. The qualified agency can be a subcontractor or have a separate contract.

ALTERNATIVE RECOMMENDATION

As an alternative, the City Council might consider funding the Low Income Representation Program allocating the amount of \$100,000 for two years, allocating \$90,000 for tenant representation and \$10,000 for landlord representation.

SUSTAINABLE OPPORTUNITIES

Economic:

- Preserve the affordable housing inventory for families, seniors, and disabled people in the City of Oakland;
- Protect tenants from exorbitant rent increases while encouraging owners to invest in the housing stock of the City

Environmental:

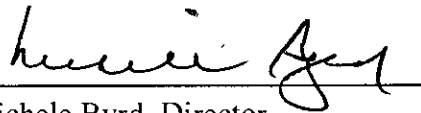
- Mitigate adverse environmental impacts resulting from existing rental housing;
- Encourage cohesion and vested interest of owners and tenants in established neighborhoods.

Social Equity:

- Improve the landscape and climate of Oakland's neighborhoods by encouraging long-term tenancies in rental housings.
- Assist low and moderate income families to save money to become homeowners.

For questions regarding this report, please contact Connie Taylor, Program Manager at (510) 238-6245.

Respectfully submitted,



Michele Byrd, Director

Department of Housing and Community Development

Prepared by:
Connie Taylor, Program Manager
Rent Adjustment Program

Rent Adjustment Program Budget: Year 1, 2008 - 2009

Personnel/	TOTAL
Centro Legal Project Manager, 22.12/hr x 1040 hrs	23,000.00
Centro Legal Staff Attorney, 22.12/hr x 520 hrs	11,500.00
Centro Legal Community Legal Advocate/Lutheran Volunteer, 9.77/hr x 520 hrs	5,080.00
Centro Legal Benefits @ 25%	9,895.00
Centro Legal Contract Employee, Information & Resource Specialist, 18/hr x 200 hrs	3,600.00
BayLegal Staff Attorney, 26.83/hr x 218	5,837.00
BayLegal Staff Attorney, 34.24/hr x 216	7,411.00
BayLegal Staff Attorney, 25.95/hr x 216	5,617.00
BayLegal LAL Staff, \$26.86/hr x 90 hrs	2,417.00
BayLegal Benefits @ 23%	4,895.00
VLSC Attorney, \$29.63/hour x 135 hours	4,000.00
VLSC Support Staff, \$23.70/hour x 135 hours	3,200.00
VLSC Benefits @ 25%	1,800.00
<i>Total Personnel</i>	88,252.00
Operations	
Rent/Storage	5,904.00
Utilities	222.00
Volunteer Training	500.00
Telephone	980.00
Network & Computer Support	935.00
Office Supplies	860.00
Brochure	1,000.00
Duplication & Postage	960.00
Equipment	587.00
<i>Total Operations</i>	11,748.00
Total	100,000.00

Rent Adjustment Program Budget: Year 1, 2010 - 2011

Personnel	TOTAL	VLSC	Centro Legal	BAYLEGAL
Centro Legal Project Manager, 24.52/hr x 1040 hrs	25,501.00		25,501.00	
Centro Legal Staff Attorney, 22.12/hr x 400 hrs	8,846.00		8,848.00	
Centro Legal Staff Attorney, 22.12/hr x 400 hrs	8,848.00		8,848.00	
Centro Legal Benefits @ 23%	9,935.00		9,935.00	
BayLegal Staff Attorney, 30.54/hr x 217	6,622.00			6,622.00
BayLegal Staff Attorney, 36.14/hr x 217	7,836.00			7,836.00
BayLegal Staff Attorney, 28.89/hr x 217	6,264.00			6,264.00
BayLegal LAL Staff, 25.66/hr x 90 hrs	2,298.00			2,298.00
BayLegal Benefits @ 24.44%	5,625.00			5,625.00
VLSC Attorney, \$34.17/hour x 60 hours	2,050.70	2,050.70		
VLSC Support Staff, \$22.05/hour x 138 hours	3,042.90	3,042.90		
VLSC Benefits @ 16%	823.20	823.20		
Total Personnel	87,693.80	5,916.80	53,132.00	28,645.00
Operations				
Rent	6,775.72	628.72	4,147.00	2,000.00
Utilities	-		-	
Volunteer Training	300.00	300.00	-	
Telephone	706.00	135.00	571.00	
Network & Computer Support	-			
Office Supplies	55.00			55.00
Brochure	-			
Duplication & Postage	200.00			200.00
Equipment	1,292.00	42.00	900.00	350.00
Total Operations	9,328.72	1,105.72	5,618.00	2,605.00
Landlord Services (\$346.54 per case x 5 cases)	1,732.70	1,732.70	-	-
Total	98,755.22	8,755.22	58,750.00	31,250.00

Introduction: Scope of Services

Centro Legal de la Raza (Centro Legal) leads the Oakland Rent Adjustment Program in partnership with Alameda County Bar Association Volunteer Legal Services Corporation (VLSC) and Bay Area Legal Aid (BayLegal). The partners are responsible for the following annual outcomes as outlined in the Scope of Services:

1. Create Volunteer Attorney Panel to represent qualified landlords.
2. Outreach to 15,000 tenants and 300 landlords.
3. Assess 960 tenants and 40 landlords for eligibility; refer 385 tenants and 15 landlords to legal counsel.
4. Conduct one educational workshop for qualified landlords.
5. Provide advice, counsel, and (where appropriate) legal representation for 230 tenants and 10 landlords.
6. Make appearances at Rent Board with 115 tenants and five landlords.

The partners maintain records of activities, make monthly outcome reports to Centro Legal (which in turn presents consolidated reporting to the City of Oakland), participate in annual program monitoring, and ensure that clients served are not above 80% of the Area Median Income.

Services for Low-Income Tenants:

Centro Legal de la Raza

Bay Area Legal Aid

Under the City of Oakland Rent Adjustment Program (RAP), Centro Legal as the lead agency in a collaborative partnership with BayLegal coordinate legal services for low-income tenants and provide direct legal assistance to low-income tenants with rent adjustment matters. Each year, the partners are responsible for: outreach to 15,000 low-income tenants; conducting intake and assessment of 960 low-income tenants; referring 385 low-income tenants to counsel; providing 230 low-income tenants with advice, counsel, and, where appropriate, legal representation; and representing clients at 115 Rent Adjustment hearings and appeals.

Following are: charts showing the progress the partnership has made toward its contractual obligations for the full year of 2008 – 2009 and the year-to-date of 2009 – 2010 (July 2009 – March 2010); and, charts showing the racial/ethnic breakdown of clients served each year.

2008 – 2009 (Year One) Outcomes Report

Task	Goal	Total	# Over/ Under Goal	% of Goal	Comments
TENANTS					
Outreach to Tenants	15,000	14,815	-185	99%	Met goal nearly 100%.
Assess Tenants	960	598	-362	62%	Did not meet 100%.
Refer Tenants to Counsel	385	438	+53	114%	Despite not meeting assessment goal, we exceeded this goal.
Advice, Counsel, and Representation for Tenants	230	513	+283	223%	Exceeded goal by more than 100%.
Rent Board Appearances (hearings & appeals) with Tenants	115	67	-48	58%	Overall, served double the number of clients through smaller services that did not culminate in a hearing.

LANDLORDS

Task	Goal	Total	# Over/ Under Goal	% of Goal	Comments
Create Volunteer Attorney Panel for Landlords		Created Panel	0	100%	
Outreach to Landlords	300	310	+10	103%	Exceeded goal.
Assess Landlords	40	235	+195	588%	Exceeded goal.
Refer Landlords to Counsel	15	1	-14	7%	
Workshop for Landlords	1	0	-1	0%	
Advice, Counsel, and Representation for Landlords	10	1	-9	10%	
Rent Board Appearances (hearings & appeals) with Landlords	5	0	-5	0%	

2008 – 2009 (Year One) Race/Ethnicity

Race/Ethnicity - Tenants Receiving Advice/Counsel or Representation	#	%
American Indian/Alaskan Native	10	2%
Asian	41	8%
Black/African American	133	26%
Hispanic/Latino	246	48%
Native Hawaiian/Pacific Islander	0	0%
Two or More Races	21	4%
White	62	12%
Total	513	100%

Race/Ethnicity - Landlords Receiving Advice/Counsel or Representation	#	%
Black/African American	1	100%
Total	1	100%

2009 – 2010 (Year Two through March 2010) Outcomes Report

Outcome	Goal #	Total	# Over/ Under Goal Year- To-Date	% of Goal Met To- Date	Comments
TENANTS					
Outreach to Tenants	15,000	11,129	-3,871	74%	Undertaking media outreach activities from now until June; will meet or exceed goal by June 30.
Assess Tenants	960	724	-236	75%	On track to meet or exceed goal.
Refer Tenants to Counsel	385	375	-10	97%	On track to exceed goal
Advice, Counsel, and Representation for Tenants	230	450	+220	196%	Have already exceeded goal.
Rent Board Appearances (hearings & appeals) with Tenants	115	51	-64	44%	On track to meet 59% of goal.

LANDLORDS

Outreach to Landlords	300	170	-130	57%	Continue to outreach from now until June, will meet goal by June 30.
Assess Landlords	40	215	+175	538%	Outperforming.
Refer Landlords to Counsel	15	1	-14	7%	
Workshop for Landlords	1	0	-1	0%	Will plan and hold one before June 30.
Advice, Counsel, and Representation for Landlords	10	2	-8	20%	
Rent Board Appearances (hearings & appeals) with Landlords	5	0	-5	0%	

Race/Ethnicity - Tenants Receiving A/C or Representation	#	%
American Indian/Alaskan Native	5	1%
Asian	32	7%
Black/African American	113	25%
Hispanic/Latino	210	47%
Native Hawaiian/Pacific Islander	0	0%
Two or More Races	14	3%
White	76	17%
Total	450	100%

Race/Ethnicity - Landlords Receiving A/C or Representation	#	%
Black/African American	1	33%
Hispanic/Latino	2	67%
Total	3	100%

Observations

We wish to make the following observations to accompany these outcomes reports to provide more detail on the project's successes and challenges.

1. Outreach

In the first year of program operation, Centro Legal and BayLegal met their outreach goal by 99%, reaching nearly 15,000 low-income tenants through flyering, know-your-rights presentations, TV, radio, and print media. In the current year, Centro Legal has additional media outreach planned and expects to exceed the outreach goal by at least 7%.

2. Representation & Hearings

In the first year of program operation, Centro Legal and BayLegal provided advice, counsel, and representation to more than twice the number of clients we were required to serve (513 total or 234% of goal; 230 was the goal). In the current year, we have provided advice, counsel, and representation to 450 clients so far (196% of goal); at this rate, we expect to serve nearly 600 tenants by June 30, 2010. Even so, we did not meet our goal for 115 appearances and cases in the first year (the partners achieved 67 or 58%). In the current year, we are at 44% with 51 appearances. At this rate, we expect the partnership to achieve a 59% completion rate for this outcome by June 30, 2010.

Under the goals stated in the contract, 50% of tenants referred to counsel (Outcome 3 in the Scope of Services) would have to have cases that led to an appearance at RAP in order for the program to meet the goal of 115 appearances (Outcome 5 in the Scope of Services). In spite of the fact that the partners have served twice the number of clients at the "advice and counsel" stage than we were required to serve, only 17% of those clients ended up having a case meritorious to progress to an appearance at a RAP hearing. There are several reasons for this outcome, which will be discussed in further detail below. The chart below shows the various levels of service the partners provide to low-income tenants and the various results of these cases. (The chart also provides further detail about the results of hearings and appeals that the partners have completed.)

Level of Service	# of Tenants in 08-09	# of Tenants in 09-10 (July '09 – March '10)	Total
ASSESSMENT	598	724	1,298
ADVICE/COUNSEL	438	375	813
EXTENSIVE SERVICE <i>(This category captures services provided at a significant level but that did not lead to case acceptance)</i>	6	11	17
LEGAL REPRESENTATION/ CASES ACCEPTED	75	64	139 <i>(17% of tenants receiving Advice/Counsel)</i>
<i>Result of Case:</i>			
Insufficient Merit to Proceed	4	6	10 <i>(7% of cases)</i>
Client Withdrew	3	6	9 <i>(6% of cases)</i>
Settlement	17	16	33 <i>(24% of cases)</i>
Open Cases	0	8	8 <i>(6% of cases)</i>
Appearance at Hearing	51	28	79 <i>(57% of cases)</i>
<i>Result of Hearing:</i>			
Petition Granted	32	13	45 <i>(57% of hearings)</i>
Petition Partially Granted	12	10	22 <i>(27% of hearings)</i>
Petition Denied	7	1	8 <i>(10% of hearings)</i>
Decision Pending	0	4	4 <i>(5% of hearings)</i>
Appearance at Appeal/Rent Board	16	18	34
<i>Result of Appeal:</i>			
Decision Upheld	15	18	33 <i>(97% of appeals)</i>
Decision Overturned	1	0	1 <i>(3% of appeals)</i>
Decision Remanded for Further Consideration	0	0	0

As shown in this chart, collectively only 17% of low-income tenants who came to Centro Legal or BayLegal for assistance ended up having their case accepted for representation. Of these 139 cases, 7% of cases were later found to have insufficient merit to proceed. Roughly 6% of clients withdrew their case upon further consideration. Twenty-four percent of cases ended in a settlement. Most of these were settled outside of RAP; only a few were settled through a RAP mediation. Six percent of cases are still open (all from 2009-2010). Fifty-seven percent, the largest amount, led to a hearing at RAP. Forty-three percent of those cases also went through an appeals process.

Client Withdrawal from Case

Only 6% of tenants have withdrawn their cases after Centro Legal or BayLegal agreed to represent them. However, legal staff at both organizations report that many clients make the decision to not proceed before their case is even accepted. Many of them wish to maintain good relationships with their landlords; given the lack of affordable housing in Oakland, many tenants are concerned about having to move if the relationship is damaged. Other tenants fear retaliation, though attorneys always counsel tenants that they cannot legally be evicted or threatened when they exercise their rights. Many of Centro Legal's clients are undocumented immigrants. Centro Legal staff advises 45 – 55 Oakland tenants each month. About 30% of these clients express fear about retaliation ranging from unlawful eviction to subtle or overt threats of deportation. The general sense of fear among this group often prevents people from fully exercising their rights, including filing tenant petitions with RAP.

Though staff at both organizations strive to encourage tenants to exercise their rights and assure them that retaliation in the form of eviction is illegal, staff cannot force clients to proceed with a course of action with which they are uncomfortable. In other cases, clients decline to file a petition because they determine it would be easier to move than pursue the petition. For example, Centro Legal staff sometimes follow up with tenants to start preparing their RAP petitions if they indicated that they wanted to pursue a petition. However, during the duration of this project, about ten Centro Legal clients decided to move and terminate an already tenuous landlord-tenant relationship rather than filing a petition or withdrew the petition altogether after negotiating a separate settlement with their landlord.

Insufficient Merit to Proceed

In other cases, staff made the decision not to represent a client due to insufficient merit to proceed. Below are some examples.

- a) Centro Legal Attorney Patricia Salazar started to prepare a petition for a client. However, there was some incomplete information that the client needed to provide Ms. Salazar with in order for her to proceed with the case. Ms. Salazar made several attempts to contact him regarding the completion of the RAP Petition but the client never returned her calls. Because the client failed to return Ms. Salazar's calls after numerous attempts, the case was closed.
- b) Centro Legal Attorneys Nina Baumler and Patricia Salazar worked with several clients who were subject to rent increases. However, after diligent research and fact finding, there was insufficient merit to proceed because it was concluded that the clients' units were not subject to the protections of RAP.
- c) In other instances, clients were not timely on their rent, there was an insufficient legal basis for withholding of rent, or the decreased services were not substantiated.
- d) BayLegal Attorney Jesús Muñoz provided a client with assistance in filing a RAP petition and was planning to accept his case for full representation on his decreased services matter. However, after further research into the case, it was discovered that the client was behind on their rent and had also been served with a notice for

nonpayment of rent. Given that he had not complied with the ordinance's petition requirements, there was therefore insufficient merit to proceed.

- e) Mr. Muñoz had another client who received assistance with filing a petition for decreased services. The client was unresponsive to repeated requests for information necessary for assessment of her case, and did not properly notify the attorney of hearing-related re-scheduling and deadlines. Due to lack of client cooperation, there was insufficient merit to proceed.
- f) BayLegal attorney Naomi Young had several examples of clients whose cases did not advance because there was insufficient merit to proceed. This includes cases where clients claimed decreased service that could not be substantiated, properties that upon investigation proved not to be subject to RAP, and a client who refused to pay rent while the petition was under consideration.

Settlement

A number of cases are settled either through mediation within or outside the Rent Board. Settlements negate the need for a hearing but are equally successful in resolving a dispute over rent increase or decrease in services/habitability. For example, in 2009 – 2010, Centro Legal started to prepare four RAP petitions for clients who later informed the organization that they did not want to pursue their petitions because they had reached a settlement with their landlord outside of RAP. More recently, Attorneys Nina Baumler and Patricia Salazar spent about three months representing nine clients whose consolidated case was scheduled to go to mediation and, possibly, hearing. However, after extensive research and collaborative efforts with other agencies, a settlement agreement was reached for repairs of the clients' decreased services claims. The most notable example(s) experienced by BayLegal are the eight tenants of Regency Towers whose collective case was successfully settled through a nine-hour mediation (at which all eight tenants were represented by Ms. Young) and a settlement conference. Ms. Young worked approximately 60 hours on these cases.

Other Tenants' Rights Issues

During the second year of the contract, the partners have seen a decrease in tenants coming to Centro Legal and BayLegal with questions about rent increases. It is our observation that many landlords are not raising rents right now. The CPI is low, so many landlords may be banking for a future increase. However, the outreach and advice and counsel that the program gives to tenants is providing a base of education in the community that will empower tenants to seek assistance regarding unlawful rent increases when they do once again become more frequent.

The most common cases that both Centro Legal and BayLegal deal with are related to eviction. Though not covered under the auspices of RAP, both agencies provide significant services in this area. Due to the high unemployment rate, many low-income people have trouble paying their rent and require eviction defense services or need education on their rights and responsibilities under the law. Other tenants are being threatened with unlawful eviction after their landlord forecloses on the home in which they live. Even when a bank is not trying to evict a tenant immediately after repossessing the home, there is a range of challenges for tenants including identifying the new owner and determining where and to whom to make rent payments. Some

new owners will attempt to circumvent the Just Cause Ordinance by raising the rent by exorbitant amounts to force tenants to leave. Centro Legal and BayLegal have seen a huge increase in eviction cases during the foreclosure crisis of the past two years. Though the Just Cause ordinance protects tenants in this situation, low-income tenants still need significant help defending their rights and receiving information on how to ensure that they remain protected from unlawful housing practices.

**Services for Low-Income Landlords:
Alameda County Bar Association Volunteer Legal Services Corporation (VLSC)**

Under the City of Oakland Rent Adjustment Program, VLSC partners with Centro Legal de la Raza to provide assistance to low-income landlords with rent adjustment matters. Each year, VLSC is responsible for outreach to low-income landlords, intake and assessment of 15 low-income landlords, and, if qualified low-income landlords are identified: creating a Volunteer Attorney Panel, providing one educational workshop per fiscal year, providing counsel and advice and representation to 10 low-income landlords, and making appearances at the Rent Board with five low-income landlords.

Though VLSC has consistently provided outreach and assessment to landlords, VLSC has only identified four qualified landlords for services from 2008-2010.

Outreach

VLSC outreaches to low-income landlords in two ways: 1) disseminating informational brochures directly to potential clients about services available to low-income landlords; and 2) providing information about services available to local legal services providers, including a training meeting to Centro Legal staff in 2009. VLSC has distributed brochures at the Superior Court of California, County of Alameda's Self-Help Center, Oakland Housing Authority, Oakland Rent Board, Rental Housing Association of Northern Alameda County and Bananas, Inc., a local social service provider.

In 2008-2009, VLSC outreached to 310 low-income landlords, which exceeded the goal of 300. In 2009-2010, VLSC is on pace to reach the outreach goal of 300.

Intake/Assessment

VLSC regularly receives requests for assistance from low-income landlords. The vast majority of landlords contacting VLSC are either over-income and do not qualify for services or are seeking services related to eviction issues.

In 2008-2009, VLSC assessed 235 landlords, which exceeded the goal of 40 assessments by 587.5%. In 2009-2010, VLSC has so far assessed 58 landlords, which exceeds the goal of 40.

Creation of Volunteer Attorney Panel

VLSC has recruited two volunteer attorneys and one mentor attorney to work with qualified landlords with rent adjustment issues. Should additional qualified landlords be identified, VLSC will recruit additional volunteer attorneys to assist these landlords.

Educational Workshop

In fiscal year 2008-2009, VLSC held one educational workshop for landlords. One landlord attended. Should interested qualified landlords be identified, VLSC will hold one educational workshop for landlords before the end of the 2009-2010 fiscal year.

Counsel and Advice to Low-Income Landlords

VLSC provided counsel and advice to one low-income landlord in 2008-2009 and one low-income landlord in 2009-2010.

Representation

VLSC Volunteer Attorneys represented two low-income landlords in 2009-10.

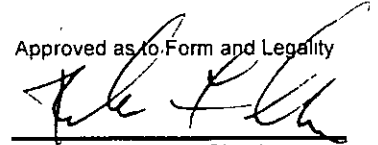
Appearances before the Oakland Rent Board

There was one appearance by a VLSC Volunteer Attorney on behalf of a low-income landlord in 2009-10.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2013 OCT 31 PM 3:00 RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION APPROVING A GRANT IN THE AMOUNT OF \$100,000 PER YEAR FOR TWO YEARS WITH THE OPTION FOR THREE ONE-YEAR EXTENSIONS TO REPRESENT LOW INCOME LANDLORDS AND TENANTS IN RENT ADJUSTMENT PROGRAM HEARINGS AND APPEALS TO THE RENT BOARD WITH \$90,000 ALLOCATED TO CENTRO LEGAL DE LA RAZA TO PROVIDE REPRESENTATION TO TENANTS AND \$10,000 ALLOCATED FOR LANDLORD REPRESENTATION BY AN AGENCY AS A SUB GRANTEE OR BY SEPARATE CONTRACT FOR THE LOW INCOME CLIENT REPRESENTATION PROGRAM FOR RENT ADJUSTMENT

WHEREAS, on April 15, 2008, the City Council passed Resolution No. 81218 C.M.S. to provide low income renters and owners with representation before the Rent Adjustment Program (RAP) and the Housing, Residential Rent and Relocation Board (“Rent Board”). The Resolution mandated “... a maximum of \$100,000 per year (\$200,000 total for two years) ... with an option by the City to extend the Grant an additional three years, on year at a time, to a maximum of \$100,000 for each year of extension.” and

WHEREAS, the City entered into a contract from fiscal year 2008-2009 through 2012-2013 with Centro Legal de la Raza and subgrantee Bay Area Legal Aid to provide representation for renters and subgrantee Alameda County Bar Association Vohmleer Legal Services Corporation to provide services for landlords; and

WHEREAS, the result of audits in 2009 and 2011 determined that the Program had exceeded the goals of outreach and screening for eligibility and, with the exception of one year, and met more than 50 percent of the grant’s goal to represent and provide extensive services to renters; and

WHEREAS, Centro Legal de la Raza and subgrantee Bay Legal have become very effective advocates for tenants; and

WHEREAS, low income landlords did not receive extensive services or legal representation, but look advantage of informational workshops about the Rent Ordinance; therefore, staff recommends that assistance be continued, even if the service is primarily disseminating information through workshops or forums; and

WHEREAS, the final fiscal year of the grant was 2012-2013, therefore, A Request for Proposals (RFP) was issued by Staff in conjunction was the Community Block Grant Program (CDBG) in October, 2012 for award of the Rent Adjustment Program Grant for low income tenants and landlords; and

WHEREAS, on October 30, 2012, a proposal was submitted that placed Centro Legal de la Raza as the prime grantee and EBCLC and Alameda County Bar Association Volunteer Legal Services Corporation (ACBA) as subgrantees; no other submissions were received; and

WHEREAS The proposal was accepted after an open proposal process as the proposal best meeting the Program requirements set forth in the RFP; however, on or around August 1, 2013, the sub grantee (ACBA) advised Centro Legal de la Raza that it no longer wanted to be subgrantees; and

WHEREAS, Centro Legal de La Raza can deliver all services for tenants described in the RFP, but cannot deliver services to landlords; therefore, Staff is preparing a request for qualifications (RFQ) for Agencies with experience and qualifications to deliver services to low income landlords; and

WHEREAS, Staff requests that a grant in the amount of \$20,000 for two years with three 1-year extensions be approved by the City Council as part of the budget process to a maximum of \$10,000 per year for delivery of services to low income landlords be negotiated and executed with a qualified agency as a sub grantee or as a separate grant without returning to Council, now therefore be it,

RESOLVED: That the City Council hereby allocates \$100,000 per year for fiscal years 2013-2014 and 2014-2015, a total of \$200,000 with three 1-year extensions to be approved by the City Council as part of the budget process to a maximum of \$100,000 per year from Rent Adjustment Fund (2413), Rent Adjustment Program (89969), Rent Arbitration Project (P190020); and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to negotiate and enter into a two-year grant with Centro Legal de la Raza, Inc. with three 1-year extensions to be approved by the City Council as part of the budget process to a maximum of \$90,000 per year to provide legal services related to Rent Adjustment residential tenants with incomes of 80% of median income or less; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to negotiate and enter into a two-year grant with an Agency qualified to deliver services to landlords with three 1-year extensions to be approved by the City Council as part of the budget process to a maximum of \$10,000 per year to provide legal services to Rent Adjustment landlords with residential property in the City of Oakland with incomes of 100% of median income or less.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California