

**Long-Term Care Coordinating Council
Budget Proposal**

Proposal Name	Housing subsidies for seniors & people with disabilities
Workgroup	Housing
Workgroup Contact	Jessica Lehman
Priority (#1 or #2)	1

Budget Proposal

1. Describe the problem this proposal seeks to address.

San Francisco’s seniors and people with disabilities continue to be displaced in huge numbers due to fake “nuisance” evictions, harassment, and buyouts of amounts far less than actual relocation costs. Real estate speculators target seniors and people with disabilities, largely because of their long-term tenancy and low rents (due to rent control). Seniors and people with disabilities face a number of additional vulnerabilities: they may live alone and not have a strong support network; they generally cannot take on additional work to pay for a rent increase; and poor health may prevent them from taking action to fight an eviction or look for housing.

Senior/disabled claims extend an eviction for one year, but a year is still not enough time to find housing, as waiting lists for below market rate housing are long and often closed completely. Seniors and people with disabilities living on SSI or Social Security cannot begin to afford the average market rent for a 1-bedroom apartment in San Francisco (DAAS Needs Assessment 2015), and more heavily subsidized housing or public housing is even harder to access. Recognizing that it is so difficult for seniors and people with disabilities to secure housing, it is critical that they stay in their homes whenever possible.

Through the budget add-back process in June 2017, the Board of Supervisors allocated \$1.5 million in housing subsidies for seniors and people with disabilities, in addition to the \$500,000 from the Dignity Fund. Unfortunately, the \$1.5 million was one-time funding, which DAAS has spread out over 2 years, at \$750,000 per year. If this funding is not made ongoing, people who currently have subsidies will risk losing them and losing their housing.

2. Please provide evidence documenting this problem.

As documented in the 2016 DAAS *Assessment of the Needs of San Francisco Seniors and Adults with Disabilities*, there is an acute need for affordable and accessible housing for seniors and people with disabilities which is seen in the City’s housing and homeless crisis.

Seniors - the population above 60 is growing and approximately half have incomes below 50% AMI (very low income) who cannot afford housing at market rates.

- 20% of the City’s population is 60 or older (161,777 individuals), and seniors have grown by 18% since 2000 (compared to 4% city growth overall). This growth is anticipated as baby boomer generation ages
- 16% have income below the federal poverty line, \$11,770 for single household in 2015 (below 20% AMI)
- Approximately half have income below \$36,000, or below 50% AMI
- Homelessness hastens aging, chronic health problems, mental health issues and mortality

Adults with Disabilities – Adults with disabilities are very likely to have low incomes and are impacted by the housing crisis.

- One third of SF adults with disabilities between 18 and 59, or 11,482 individuals, have income below the federal poverty line (\$11,770 in 2015).
- 58% of adults with disabilities living in the community, 18,040 persons, have income below 50% AMI (below \$37,700).

The 2015 Point in Time Homeless Count found that about 30% of homeless persons were 50 or over AND 9% were 60 or over (around 600 homeless seniors (60+), out of a total of 6,686 homeless people).

In addition, a huge 71% of people being evicted under the Ellis Act are seniors and people with disabilities (www.TenantsTogether.org/ellisreport, page 5).

3. Describe the proposed program/service to address this problem.

Expand housing subsidies to reduce and prevent homelessness. Continue the \$1.5 million and make it ongoing, per year. Add \$3 million in ongoing funding for housing subsidies.

Housing subsidies allow seniors and adults with disabilities to avoid and escape homelessness by subsidizing possible or current housing and letting people remain in rent controlled or otherwise affordable units.

Currently the Tenderloin based Q Foundation has acted as a clearinghouse where providers can refer clients to access available subsidies and/or help with move-in costs. According to the QF, the subsidy saves housing. The average QF participant's rent exceeds their income by 112%. The subsidy can prevent displacement at a rate of \$23 per night.

Housing subsidies are currently administered through the Department of Aging and Adult Services and various nonprofits. This proposal would likely go through DAAS.

Those eligible for subsidies will be seniors as well as people with disabilities and/or chronic medical conditions.

4. What is the projected cost of this proposal?

Please provide the basis for this estimate/how this funding will be used.

\$1.5 million/year in continued funding, plus \$3 million/year in new funding

It is estimated that 1 subsidy costs \$1000 per month. So \$4.5 million can prevent homelessness for at least 375 people.

5. Who else wants/is advocating for this proposal?

Homeless Emergency Services Provider Association (HESPA)
HIV/AIDS Provider Network (HAPN)
Budget Justice Coalition
Q Foundation
Community Alliance of Disability Advocates

**Long-Term Care Coordinating Council
Budget Proposal**

Proposal Name	Legal Services to Prevent Eviction
Workgroup	Housing
Workgroup Contact	Jessica Lehman
Priority (#1 or #2)	2

Budget Proposal

6. Describe the problem this proposal seeks to address.

San Francisco’s eviction crisis is not over, as the demand for eviction defense legal services continues to outpace the ability of service providers to respond. Seniors and people with disabilities are being evicted from their homes and cannot access legal representation. Preventing homelessness amongst seniors and people with disabilities is essential if the City is to meet its goals to address homelessness in the City. In addition, people with cognitive or mental health disabilities often need extra support to be able to get to a hearing, file necessary paperwork, or follow up to stop their eviction.

7. Please provide evidence documenting this problem.

While the increase in the number of eviction defense attorneys has made a significant difference in the number of tenants who receive full representation, and who have as a result retained their housing, the need is far from fully met. So far in 2017 (as of 10/19/17), 463 tenants have appeared at mandatory settlement conference without an attorney. In 2016, 624 clients appeared for settlement conference without an attorney. While most of these tenants have been provided with last-minute counsel through the Justice & Diversity Center’s Housing Negotiation Project (HNP), that representation lasts for only one afternoon, and must proceed without any investigation or discovery, and with the knowledge that if the case does not settle, the client will be on their own for trial. While this certainly usually results in fairer outcomes for the tenant than if they were left completely on their own, it means that the options for the client are quite limited. In other words, there are still at least 50 clients per month being evicted in San Francisco who have no actual representation (and these are the tenants who at least succeed in getting a response on file and asking for a jury trial, usually through the Eviction Defense Collaborative. An additional unknown number of tenants lose by default and never get into court).

8. Describe the proposed program/service to address this problem.

We encourage the funding of at least sixteen additional eviction defense staff attorneys in the community. There is a particular need for bilingual attorneys. In addition to the need for more eviction defense attorneys, the work of these and the current attorneys can be greatly enhanced by ancillary services in their support. Experience has shown that the use of paralegal support – to conduct interviews, prepare paperwork, file and serve documents, engage in research and provide other support – has allowed the attorneys to focus on the actual legal representation much more effectively, increasing both the number of clients who can be served and the quality of the representation. In addition, the involvement of social workers and social service advocates can make a significant difference in the outcome of cases. Especially when the tenant is facing multiple issues that may be contributing to the eviction, a social worker – who can provide or secure ongoing treatment for physical, mental health or substance abuse issues, get a tenant help cleaning their unit, help the client to obtain rental assistance, or assist a tenant to getting to a court hearing on time – can mean the difference between tenants keeping or losing their housing. We strongly urge funding for support services for eviction defense, including paralegal and social.

- **Legal services are effective. Full Scope Representation Doubles Tenants’ Chances of Staying in Their Homes (1)**

Studies repeatedly show that tenants with full scope legal representation fare exponentially better than those who are unrepresented. The provision of full scope representation by experienced litigators affords tenants the benefit of representation by attorneys who can utilize all the tools of litigation and ensure that their rights are protected. Without the knowledge or ability to propound discovery, properly gather and prepare supporting evidence, or prepare and argue key motions, tenants cannot begin to be adequately prepared for trial, let alone effectively prepare for and conduct their own trial. Even attorneys who step in at the last moment in these kinds of cases have limited options for success at such a late date.

- **\$11.74 Return on a \$1 Investment - Legal Services Benefit the Entire City. (2)**

A Social Return on Investment Study determined that for every \$1 invested in the Justice and Diversity Center of the Bar Association of San Francisco (JDC)'s housing legal services the San Francisco community saves \$11.74 of immediate and long-term benefits by keeping people housed and preventing homelessness.

- **Preventing homelessness by fighting evictions is a critical strategy in reducing homelessness. The City cannot build its way out of the housing crisis.**

The City's Housing Balance Report showed that the City gained 6559 affordable units between 2005 and 2014; however landlords took at least 5470 rent-controlled apartments off the market, due to Ellis Act evictions, owner move-ins, and increased actions by landlords to vigorously pursue other types of evictions against tenants in rent-controlled units. There are over 8000 homeless San Franciscans, and new affordable housing alone can't keep pace with the needs of low-income tenants. Keeping people housed can stem the tide.

- **Legal services preserve rent-controlled, affordable units.**

Each time a tenant is evicted from their rent-controlled home, the City loses yet another affordable unit. But for the work of eviction defense attorneys, hundreds more rent-controlled affordable housing units would be lost to the City, and countless San Franciscans added to the ranks of the City's homeless population. Protecting private rent-controlled tenancies is critically important affordable housing strategy.

-
- (1) Stanford Law School - John and Terry Center for Public Service and Public Interest– San Francisco Right to Civil Counsel Pilot Program Documentation Report p. 14.
 - (2) Community Services Analysis LLC Social Return on Investment Analysis of JDC for year ended December 31, 2013.

9. What is the projected cost of this proposal?

Two million dollars will fund roughly 16 eviction defense attorneys. Average cost of an eviction defense attorney with related costs is \$125,000.

10. Who else wants/is advocating for this proposal?

Homeless Emergency Services Provider Association (HESPA)
HIV/AIDS Provider Network (HAPN)
Budget Justice Coalition
Community Alliance of Disability Advocates

Questions Raised by the Finance & Policy Workgroup

Proposal #1: Housing Subsidy

1. What criteria would be used to make one eligible for subsidy? They would have to be a senior or an adult with a disability living in SF. The City and the agency will agree on specific program criteria.
2. Are you able to provide data on total need in the community as well as information on existing City funding for subsidies in general and specifically for the senior/disabled population. No, but the need is vast, given a few glances about the City. You need only look at the thousands of applications that are made for each new affordable housing development (at the cost of @ \$250,000 per unit, without even considering the cost of an operating subsidy to make the unit affordable or any funding for services). Multiple MOHCD reports show how many folks are in need of housing, how many folks pay way too much of their income for housing, and the list goes on. There is very little in the housing pipeline for seniors and people with disabilities, in part because federal funding for these communities has nearly been eliminated. BMR units are not affordable to people on SSI or other low-income seniors and people with disabilities. When the City creates new housing that is deeply affordable, it is mostly set aside for people who are on the streets; many seniors and people with disabilities cannot make it on the streets but are not adequately or stably housed and will not qualify. (We are not pitting one group against each other, because all homeless people need more housing, but we need to acknowledge the lack of affordable housing for seniors and people with disabilities.)
3. Are we contemplating that all subsidies will be ongoing, or is there a place for short term subsidies as well? We would love the subsidies to be ongoing. Given the fact that the federal government has not met its obligation to fund affordable housing, we have to look to local government to step in. Building affordable housing is great (and creates permanently affordable housing) but it is costly, takes a very long time to develop, and is often not deeply affordable or accessible. Providing these rental subsidies is quick, easy, and incredibly cost effective. This may be seen as a step towards the creation of a local Section 8 program, which would have the added benefit of not being encumbered by federal rules around Section 8 and allowing for great flexibility in program design to address local needs. Yes, these subsidies should be ongoing. We oppose efforts by the City to limit them in time as the need is ongoing. When a resident gets a subsidy, they stay in their housing and continue to need that subsidy. Subsidies are one of the cheapest, quickest ways to keep people housed. The City does not try to put time limits on affordability on the affordable housing it spends at great cost.
4. Can you speak to whether this represents a sustainable model for San Francisco to employ? Yes! See discussion above. I think that we can do even more with housing subsidies to address our housing crisis. Three million is a drop in the bucket. It should be much higher.

Proposal #2: Legal Subsidy

1. How did you settle on a request for 16 attorneys, as opposed to another number. That was based on the number of folks who are still appearing at mandatory settlement conferences without representation (we think it was 650+ → need about 10 attorneys), and the reality that there are many folks who still do not seek an attorney because they are so scared when they get an eviction notice (which is a much harder number to assess, but will take several additional attorneys). It is hard to pick a number because of the lack of data; 16 seems like a reasonable ask, enough to have an impact but not a huge ask. (About \$125,000/attorney [including benefits], 16 attorneys = \$2 M)
2. Assuming 16 attorneys were funded, where will they be based? The City would issue an RFP and legal services providers would respond, so the City would fund them at agencies who are selected through the RFP process as they have done in the past.
3. The proposal talks about the criticality of both paralegal/administrative support and social worker support, but you do not ask for any of this support – why? Is the support existing? To be clear with elected officials, it is best to talk about eviction prevention overall. We would expect that agencies would respond to the RFP and configure services in a way

that best fits the agency's service delivery model, which could include paralegals and social workers, but they would not be required. All staffing would come out of the agreed upon funding level for the contract.

4. Are there other costs that should be included to successfully defend against eviction (e.g., depositions, discovery, investigations, court filing fees, process servers, expert witnesses, etc.)? The agencies would design their proposal to address those costs, again, all coming out of the same funding level agreed to in the contract.
5. It would be helpful to know the following:
 - a. Current level of funding (local, state, federal) and leverage of private sector/funds. Impossible to know as there are many agencies involved and so many pieces. There has been a commitment of 2 million in new City General Funds over the last five years.
 - b. Average number of evictions prevented per year per attorney. Very difficult to assess. Eviction defense attorneys handle roughly 65 cases each per year, based on the last report from the City Controller's office (we think it was the Controller's office, could have been a BOS analyst).
 - c. New eviction defense funding for FY 17/18 from the Dignity Fund. There was none.
5. Please see the [linked article](#) and comment on how your proposal fits or does not fit with this approach.

This would help to advance the goals of current legislation and a ballot initiative about right to representation. Advocates will be working with supervisors to advance the legislation. If this issue gets addressed before budget season, then we won't need to do this. And if right to representation does not pass, then we need the funding for eviction prevention. The amount we're asking is significantly less than the \$3.5 million estimated with the legislation.