



Rent Stabilization Board

DATE: June 17, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Honorable Members of the Eviction/Section 8/Foreclosure Committee
By: Matt Brown, Acting Executive Director 

SUBJECT: Recommendation to adopt Resolutions authorizing the Executive Director to execute a contract modification with the Eviction Defense Center in an amount not to exceed \$150,000 and the East Bay Community Law Center in an amount not to exceed \$150,000 for the 2020/21 fiscal year

Recommendation:

That the Board adopt Resolutions 21-14 and 21-15 authorizing the Executive Director to execute a contract modification with the Eviction Defense Center (“EDC”) in an amount not to exceed \$150,000 and the East Bay Community Law Center (“EBCLC”) in an amount not to exceed \$150,000 for the 2021/22 fiscal year.

Background and Need for Rent Stabilization Board Action:

The Board has annually awarded contracts to community organizations for the provision of housing-related services to low-income tenants. Historically, the Board has contracted with EDC, EBCLC and Housing Rights, Inc. (HRI) to provide these services. EDC and EBCLC primarily provide eviction defense services to low-income households. HRI provided counseling on general landlord-tenant issues. The services provided by HRI are now provided by the Board’s Public Information Unit.

Costa-Hawkins and the advent of vacancy decontrol significantly increased the financial incentive for an owner to evict a long-term tenant in good standing. In the first few years of vacancy decontrol the Board witnessed hundreds of cases of owners attempting to evict tenants without “good cause,” so that they could increase the rent paid by a new tenant. This undermines the stated intent as well as the integrity of the Ordinance. The Board responded by increasing outreach and information and ensuring that low-income households had access to eviction defense services from the EDC and EBCLC.

Last year, the Board funded the EDC at \$150,000 and the EBCLC at \$150,000. For the current 2021/22 fiscal year both providers have submitted proposals seeking \$150,000. Both providers have committed to providing the same level of services under the Rent Board contract as last year with an understanding that with the continuation of Covid-19, eviction moratoriums, the creation of a Tenant Relief Fund that is currently being administered by both providers and an anticipation of a spike in eviction activity once the courts re-open, that both providers will have the flexibility to adjust their scope of services as needed based on the ongoing crisis.

The proposals from both providers are attached.

The work performed by the EDC and EBCLC is absolutely critical to the core purpose of the Ordinance – these organizations help to preserve community diversity and prevent mass displacement of vulnerable tenants. On May 13, 2021 representatives from the EDC and the EBCLC attended the Eviction/Section 8/Foreclosure Committee and presented their proposals which were then approved by the committee with Commissioner Selawsky abstaining.

City Council Funding

In 2017 it became apparent that the need for services outpaced the Board's ability to adequately respond to the existing housing affordability crisis and the resultant incentive to displace long-term tenants. On July 25, 2017, City Council approved additional funding of \$300,000 for fiscal year 2017/18 and \$300,000 for fiscal year 2018/19 to be added, as amendments, to the Board's contract with the EDC and the EBCLC (\$150,000 per provider, per year). This city funding, which has been administered by the Rent Board, was earmarked to provide additional assistance to extremely low, very low, low or moderate income Berkeley tenants in order to provide counseling and advocacy for tenants facing or threatened with displacement.

That two year funding cycle allowed the EDC and the EBCLC to expand their scope of services as well as the volume of assistance provided to Berkeley tenants. The added funding allowed the providers to serve the additional clientele of moderate income tenants as well as tenants who live in units that are partially exempt from the rent ordinance such as Section Eight tenants or tenants in single-family homes. Further, the additional assistance has allowed the providers to assist tenants with issues pertaining to provisions of the Tenant Protection Ordinance [B.M.C. 13.79 et seq.] and the Relocation Ordinance [B.M.C. 13.84 et seq.].

On July 23, 2019, the City Council adopted a resolution authorizing the transfer of \$550,000 to the Rent Board for fiscal years 2020 and 2021 respectively to amend their contracts with the providers to provide services similar to the initial prior two year cycle. The upcoming 2020/21 fiscal year represents the second year of the current Council authorization and those funds will be added to this contract upon Council verification.

On June 1, 2021 Council authorized the expenditure of \$275,000 to both the EDC and the EBCLC to continue their anti-displacement efforts. Unlike prior years, this authorization is for one year only.

Financial Impact:

The funding request from each agency is \$150,000 for a total of \$300,000. These amounts are referred and incorporated into the proposed budget appearing elsewhere in your agenda.

Name and Telephone Number of Contact Person:

Matt Brown, Acting Executive Director (510) 981-7368

Collective Legal Services
THE EVICTION DEFENSE CENTER
A Nonprofit Law Corporation
350 Frank H. Ogawa Plaza, Suite 703
Oakland, CA 94612
510-452-4541 (voice) 510-452-4875 (fax)

April 28, 2021

Matthew Siegel
Staff Attorney
Berkeley Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

re: 2021/2022 work plan and budget, summary of services

Dear Mr. Siegel:

Enclosed, please find our 2021-2022 work plan and funding request to continue providing services under contract with the Berkeley Rent Board. The work plan assumes funding at the same level from both the Rent Board and City Council. Despite a tremendous increase in the number of tenants served and the time spent on Berkeley cases this past year, we are not requesting an increase in funding.

As you know, the Covid-19 pandemic completely changed the nature of services we provided to Berkeley tenants in this past grant cycle. In response to an increased demand for services, the EDC never closed its doors and has stayed open, in person, for the entire duration of the pandemic. We saw a dramatic shift in services as the demand skyrocketed for legal consultations regarding issues such as: Covid-19 displacement protections for Berkeley tenants; lease terminations; roommate replacement issues; and nonpayment of rent. Conversely, the need for unlawful detainer defense dwindled as the courts closed in response to the moratorium, then re-opened for only Health and Safety evictions.

Every year, the EDC anticipates serving 400 unduplicated Berkeley tenants. With two months left on our current contract, we have already served over 879 tenants. We are on pace to serve almost 1000 tenants in this grant cycle. While our Direct Representation numbers have gone down (we anticipate serving a little over 50% of the target number) our Limited Scope numbers are 5 times more than what we anticipated, which has resulted in an overall increase in the amount of time spent on Berkeley

cases.

In the past ten months we have continued to make home visits to Berkeley clients who are too elderly or disabled to make it into our office. Although we put a hold on cleaning hoarder homes during the height of the pandemic, we recently cleaned 3 properties for elderly tenants and continue to work on maintenance. We handled 22 TPO cases, 5 of which have "graduated" to litigation in this grant cycle. Our BAD (Berkeley Anti-Displacement Funding) has kept 17 tenants in their homes by paying for overdue utility bills and other small items to avoid displacement. (The BAD grant focuses on elderly tenants, disabled tenants, and single-parent households with young children.) From September 2020 through March 2021, we handled the Basic Needs Fund Grants under our Rent Board contract. We were able to distribute \$125,000 in grants to 97 undocumented tenant households impacted by Covid-19. Additionally, we assisted over 750 tenants with anti-displacement Covid-19 related issues.

In summary, although it has been an insanely busy and somewhat overwhelming year, the EDC was able to rise to the occasion and meet the sudden rise in demand for anti-displacement services. We would not have been able to do that without our funding from the Rent Board and the City of Berkeley. We truly appreciate this funding as it has allowed us to provide critical anti-displacement services during a time of crisis for Berkeley tenants. Attached please find our proposed Work Plan and Scope of Services for the 2021-2022 grant cycle. Rather than request more funding for the increased demand for our services, we are submitting a proposal that anticipates a "return to normalcy" and by the second half of the fiscal year, and thus a return to the average measures of service. Service activities that are currently not possible due to Covid-19 precautions will be replaced with Covid-19 anti-displacement work and resumed when health and safety conditions allow such activity.

Please do not hesitate to contact me if you require any further information.

Yours truly,

Anne Tamiko Omura

Anne Tamiko Omura, Esq.
Executive Director

Work Plan/Scope of Services 2021-2022
Berkeley Rent Board/Berkeley City Council mixed funding
\$300,000.00

With continued funding from the Berkeley Rent Board and the Berkeley City Council,¹ the Eviction Defense Center will provide eviction prevention/anti-displacement services to a minimum of 400 tenants each year.

Of those 400 tenants, at least 120 will receive in-depth, direct representation in unlawful detainer proceedings or ongoing legal services/representation which requires extensive counseling, negotiation, and "wrap-around" services to resolve issues such as threats of eviction and displacement, ongoing harassment and/or retaliation.

At least 180 of the 400 tenants will receive limited scope services. These services can best be categorized as eviction/anti-displacement advice and counseling on a lesser level than full-on representation. We believe these cases are mostly between one to four visits/interactions between us and the client and would normally not exceed more than fifteen hours of staff time.

Roughly 100 of the proposed 400 tenants served shall receive Brief Legal Services. These are services to be provided via tenants' rights seminars, small group seminars, and one time legal consultations.

At least 300 of the 400 tenants served annually will be "low income" as defined as a household having annual income less than 50% of the median household income for Alameda County.

The remaining 100 clients may be below 80% ami and/or in units exempt from the Berkeley Rent Ordinance, including but not

¹ In 2017, the EDC received the first round of funding from City Council in the amount of \$150,000.00 to provide more "in depth" services to Berkeley tenants under the existing contract with the Rent Board, as well as to extend services to tenants exempt from the Berkeley Rent Ordinance and higher income tenants. In 2019, the EDC submitted a proposal for \$125,000.00 of additional City Council funding to provide new "add-on" services. Because the first City Council funds were given to support existing services provided under the Rent Board contract, and the second City Council funds were given to support expanded and new programs, this grant proposal separates the two rounds of funding.

limited to tenants with issues pertaining to:

- *Section 8
- *subsidized housing
- *cooperative housing
- *TPO or Tenant Buy Out issues
- *Tenants being displaced by short term rentals

In addition to the above services, the EDC will continue to maintain a Berkeley Hotline number specifically for Berkeley tenants; will maintain the Berkeley mobile office to do home visits for disabled and elderly clients; and once the pandemic ends, will continue to rent office space in Berkeley on Adeline Street to provide walk-in clinics, and we will continue to hold outreach seminars at the South Berkeley Senior Center [once the pandemic ends].

Work Plan/Scope of Services 2021-2022
Berkeley City Council, \$125,000.00

With the \$125,000.00 from the City Council for additional services, the Eviction Defense Center will continue to provide the following services.

- 1) **Outreach \$20,000:** From what our agency has seen over the past 25 years, the number one threat of displacement in Berkeley is the lack of education and knowledge of resources in the most vulnerable tenant communities. Constant community outreach is the best prevention to displacement. Too often we hear stories from our clients about their neighbors who just "got scared" and moved out of their Berkeley homes. Our office would like to continue with the following:

*Our Berkeley walk-in clinic, staffed by an attorney, every second and fourth Thursday morning from 9am-11:30am at our Adeline office. This includes outreach to a nearby Food Pantry. [Once the pandemic ends.]

*300 direct mailings a month to at risk tenants in larger properties, with the ability to send attorneys to speak at properties where there are large scale evictions being threatened.

*Attorney outreach and onsite counseling at two Food Pantry

events every month. [Once the pandemic ends.]

*Direct outreach at high risk buildings - we have continued to do this type of research with mainly outdoor activities.

- 2) **Berkeley Anti-Displacement Fund \$20,000**: \$20,000.00 fund to be set aside for anti-displacement costs for elderly and/or disabled tenants and single caregivers with young children in the home. This fund would be accessed by both EBCLC and EDC in emergency situations.

Frequently, the threat of displacement of very low-income tenants comes from a basic lack of resources. For example, an elderly or disabled tenant may need a new bed because the old one has an odor that is creating a nuisance. In several cases, the EDC has had elderly disabled tenants who are being threatened with displacement because a lack of a telephone creates an unsafe situation with no ability for our office to coordinate with social workers and agencies like Meals on Wheels. Prior to creating the BAD fund, EDC attorneys frequently spend their own money on things like mattresses, bedding, cell phones for clients, cell phone chargers, bedbug proof storage containers, or air purifiers.

- 3) **Hoarder Project \$20,000.00**: The EDC would like to continue the Hoarder Anti-Displacement Project. Through this project, our attorneys oversee management, ongoing maintenance, and cleaning of hoarder tenant homes in Berkeley.

Hoarding is an ongoing problem in Berkeley that threatens a very unique and vulnerable subset of at-risk Berkeley tenants. With this project, we hope to merge direct representation and advocacy with actual on-site assistance that makes a difference in keeping these tenants housed and ensuring the maintenance and cleanliness of the unit, thus providing goodwill and a benefit to not just the tenant but the property owner as well.

Once the pandemic ends we can do more Hoarder clean ups. Currently we are limiting them to very elderly disabled tenants.

- 4) **TPO Enforcement \$65,000**: Ongoing harassment by landlords is one of the most effective means of displacement. Tenants either become exhausted by feeling like they are living in a battle zone and give up, or are unaware of legal resources and are intimidated into leaving. Since the inception of the Tenant Protection Ordinance, the EDC has tried to refer Berkeley harassment cases to private attorneys but often with little or no success. Despite egregious conduct by landlords, the actual monetary damages to the tenants are often not quantifiable enough for a private attorney to take the case on contingency.

We propose direct representation for at least twelve cases a year. In addition, we would anticipate filing a minimum of four TPO lawsuits a year for cases where landlord conduct does not cease after multiple attempts at remediation. Successful outcomes of TPO cases send a very real message to landlords that their harassing behavior is actionable. It further gives the EDC and other legal service providers a credible threat of litigation if letters, phone calls, and rent board petitions don't work to curb harassing behavior. The ultimate goal in enforcement of the TPO is to protect vulnerable communities from displacement through harassment.

Since the inception of the TPO Enforcement Project 2 years ago, we have handled 38 TPO cases, with 12 graduating into lawsuits. Of those 12, thus far 2 have settled. One for an elderly tenant who was finally able to get her repair and one for a single mom with a disabled child who was finally able to end the nonstop harassment by management. These cases have reinforced the importance of continuing to enforce the TPO.



May 7, 2021

Matthew Siegel
City of Berkeley Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

Dear Mr. Siegel,

The East Bay Community Law Center (EBCLC) would like to express our appreciation to the Rent Board and City Council for their ongoing commitment to ensuring the housing stability, health, and wellbeing of all Berkeley residents. We reaffirm our dedication to providing vital services to low-income community members through the provision of holistic legal and social services designed to create long-term stability for tenants, including families with children, the elderly, people of color, and individuals with health and social service needs. Overall, Berkeley residents, especially people with very low or no income, continue to need access to holistic legal and social services. We deeply value our partnership with the Rent Board and City Council, and look forward to continuing our work with you to create an equitable and inclusive city and community.

EBCLC respectfully requests \$150,000 from the Rent Board and \$275,000 from City Council funds for fiscal year 2021-2022 to support our attorneys and our social worker in delivering urgent services to tenants and communities in Berkeley.

The work of EBCLC's Housing Program employs high-impact strategies to fight displacement, including eviction defense services, rent board petitions, and subsidized housing hearings. We propose to enhance our legal services with holistic social work services designed to support tenants receiving direct representation, which builds on our decades-long advocacy work aimed at stabilizing communities at high risk of displacement. In our day-to-day work with all clients, as well as our evaluation of the impact of our services over the years, we continue to see the additional services and support that our social workers (including our Masters of Social Work interns) provide as pivotal to long-term housing, health, and community stability for individuals and families.

EBCLC's COVID-19 Response Service Delivery Over the Last Year

Since the start of the COVID-19 pandemic in March 2020, EBCLC has had to radically alter not only how it serves its clients, but also how it functions as an organization. Overnight, EBCLC transitioned from an organization that exclusively provided in-person services to a completely remote office, while simultaneously advocating fiercely for our clients.

In March 2020, EBCLC's Housing Program quickly realized how essential it would be to protect tenants' rights during the impending economic crisis and began advocating for blanket bans on



the filing of new eviction lawsuits. For the next several months, the Housing Team focused on passing emergency legislation, creating self-help materials, and assisting in the facilitation and distribution of the City of Berkeley's COVID-19 Housing Retention Program. EBCLC's advocacy efforts were extremely successful and contributed to the passage of the Alameda County eviction moratorium, as well as the moratoria in Berkeley, Emeryville, and Oakland. In addition, EBCLC advocates participated in statewide advocacy campaigns, resulting in the passage of the Judicial Council's Emergency Rule that shut down eviction courts statewide for a period of time. EBCLC also supported statewide tenant efforts to pass the AB3088 Tenant Relief Act and the SB 91 extension. In anticipation of the flood of eviction lawsuits that will be filed when the local moratoria are lifted, our Housing Program is currently planning for the inevitable increase in demand for tenant legal and advocacy services while continuing to maintain our state and local policy efforts. Below is a detailed discussion of our advocacy efforts this past year, adapted services for tenants, as well as the unique challenges faced by our organization during the pandemic.

EBCLC's Alameda County Superior Court Advocacy Efforts

Since the day the World Health Organization declared a global pandemic on March 11, 2020, EBCLC has been one of the leading tenant organizations advocating for rapid and systemic changes to the Alameda County eviction court system. On that day, EBCLC advocates called for a meeting in Department 511, the County's eviction court, insisting that the court immediately suspend all in-person appearances, given that there were approximately 200 people present on a single windowless floor of the courthouse that very day. After Department 511 initially expressed hesitation to take such action unilaterally, EBCLC advocates, in partnership with other East Bay tenant organizations, immediately launched an advocacy campaign. Within 24 hours, EBCLC advocates had testified before Oakland City Council and launched a social media campaign advocating to immediately cease all eviction proceedings. Three days after launching a targeted advocacy campaign, Alameda County Superior Court issued a press release temporarily suspending unlawful detainer jury trials.

In the months following this initial victory, EBCLC advocates formed a working group of tenant and landlord advocates that began meeting with Department 511 twice a month to share concerns with the court. This partnership with the court has not only led to the complete closure of in-person court appearances for more than a year, but also allowed EBCLC advocates an opportunity to propose revised local court rules governing unlawful detainer proceedings. These local rules were, for the most part, adopted by the court and have been essential to ensuring compliance with the local eviction moratoria passed throughout the County, as well as ensuring that the court abides by public health guidance. As a result of these efforts, the number of new eviction lawsuits filed since March 2020 has decreased dramatically.

Advocacy for Local Eviction Moratoria

One of EBCLC's concurrent efforts since the beginning of the pandemic has been to advocate on



behalf of tenants not only within Alameda County, but also with the cities of Berkeley, Oakland, and Emeryville, encouraging these municipalities to pass eviction moratoria and additional tenant protections related to the COVID-19 pandemic. EBCLC advocates, in partnership with other tenant organizations, organized advocacy and social media campaigns, which helped Alameda County pass some of the most protective eviction moratoria across the state. EBCLC advocates testified before a variety of government bodies, drafted legislation, and engaged in extensive media outreach.

Berkeley's COVID-19 Housing Retention Program

From March 2020 to December 2020, EBCLC, in close partnership with the Eviction Defense Center (EDC), facilitated the City of Berkeley's COVID-19 Housing Retention Program (C19HRP). EBCLC and EDC launched this program on an expedited timeframe, while also simultaneously adapting procedures to ensure tenants could access the funds remotely. EBCLC fielded approximately 800 calls between March and December from Berkeley tenants interested in this program. Our Housing Team processed approximately 170 applications and distributed \$545,540 in rental assistance funds, while also providing legal advice to many tenants about their rights under the new local moratoria. This program provided essential relief to hundreds of low-income Berkeley tenants, and will undoubtedly contribute to a reduced number of Berkeley evictions after the moratoria are lifted.

Challenges to Remote Services to the Community

Prior to March 2020, EBCLC's Housing Program had never provided any remote services to tenants. After our office closed to the community in mid-March 2020, we knew our tenants would face numerous barriers to accessing our services remotely. While EBCLC adapted our service models to continue advocating for tenants in a safe manner, we noticed a significant decline in the number of people reaching out for our services since the pandemic began. We were no longer able to offer our weekly Tenants' Rights Workshops in the traditional manner and moved to providing this service on an individual basis via phone. Some tenants struggled to engage with our remote clinics, which explains the decrease in the total number of services. Working remotely has presented practical challenges for tenants such as limited or no access to electronic devices or stable internet connections; difficulty in obtaining critical documents; and logistical issues in obtaining client signatures for court documents or applications. These types of limitations also dramatically increased the administrative time required for staff to assist tenants with their legal issues. While we closed our offices to the public, on-site office managers still received and processed mail and immediately scanned and emailed those documents to the appropriate staff on a daily basis. EBCLC also implemented a remote fax system in order to receive documents from clients and fax necessary documents and communications to governmental agencies. We implemented DocuSign capabilities that enabled us to obtain signatures for essential legal documents without requiring clients to leave their homes. Our offices are now open on an emergency basis for staff to see clients; however, we have a strict COVID-19 protocol in place for staff and clients that must be followed to ensure safety. We are



in the initial phase of creating a re-opening plan that prioritizes staff and client wellbeing within public safety guidelines and will provide that plan to all funders once it is formalized.

As a result of our successful advocacy campaigns to protect tenants' rights during the COVID-19 pandemic, the filing of new eviction lawsuits significantly decreased. However, those that were filed were far more complex, involving issues around health and safety risks to the community and required extensive discovery, motions practice, and trial preparation. We also saw a reduction in Rent Board and Housing Authority hearings. From March 2020-November 2020, a majority of the tenants we served were in need of rental assistance.

COVID-19 Pandemic Impact on Social Work Services

For the first time, EBCLC's Social Work Program received funds from the City Council in 2020. While we saw a decrease in demand for legal services, there was a significant increase in the need for wrap-around social work services. The COVID-19 pandemic brought on or exacerbated existing issues for tenants related to basic needs such as food insecurity; loss of employment or income; inability to access critical medical or behavioral health services; and threats of displacement. Many of our social work clients, who were isolated prior to COVID-19, felt even more isolated, which aggravated their mental health issues. Isolation, fear, and the shelter-in-place order contributed to psychological breakdowns, especially for those who were taking prescribed medications and either could not obtain refills or see their doctors or therapists. In particular, our Berkeley senior clients who regularly rely on community services became especially isolated and at risk for medical and psychiatric crises. Our lead social worker collaborated closely with local Berkeley Housing Authority resident services, the Berkeley Senior Center, and In-Home Support Services (IHSS) to ensure her clients accessed services. Meals on Wheels delivered groceries to support vulnerable elders through coordination with our lead social worker.

We also saw that for clients living with mental illness and addiction, there was an increase in substance use and decompensation, leading to an increased need for crisis counseling and hospitalization. Many clients dealing with these types of issues managed to stay housed because of the moratoria (EBCLC's Housing Program helped shape the Alameda County moratorium) and the social work support they received. The significant reduction of community-based and governmental services created multiple barriers for tenants who desperately needed support. Some services our clients relied on, including meal services, afterschool programming, and community centers ceased to operate, leaving clients and their families without access to what they needed. Resources are traditionally scarce but were almost non-existent at the peak of the pandemic. At the start of the pandemic, our lead social worker created and maintained an agency-wide master list to track active community resources in the East Bay, with a particular emphasis on Berkeley, which included everything from family meal sites to open methadone clinics.

Through EBCLC's holistic model, our lead social worker worked closely with Housing Program



attorneys whose tenants were struggling with non-legal issues. Our lead social worker supported tenants while they attended virtual hearings, assisted with prepping them for court, and provided emotional support when they felt overwhelmed by the process. By incorporating our lead social worker into our legal work, we were able to problem-solve more creatively around settlement agreements, view our clients more holistically, and better understand both their legal and non-legal needs as we worked to help them preserve their tenancy and achieve stability. Partnering our lead social worker with attorneys has allowed us to better engage some of our most marginalized community members in tackling complex barriers to housing stability as they access other non-legal, community-based supportive services.

Services to Date

As of the third quarter of this contract term, we provided 89 unduplicated tenants with limited scope services including but not limited to individual tenants' rights appointments and pro per assistance; 33 unduplicated tenants with direct representation services; and continued representation of approximately 28 cases filed prior to the pandemic. We have provided 48 unduplicated tenants with only pre-litigation services, as we usually take on most of those tenants for more in-depth services. Our capacity to provide legal services during the first two quarters of this fiscal year was impacted by the high volume of second round HRP applications we processed for tenants eligible to receive additional months of rental assistance. Tenants received an average of four to six months of rental assistance, which prevented displacement at the peak of the pandemic. We are grateful that the Rent Stabilization Board's support allowed us to cover some of the administrative costs to manage this program for the City of Berkeley. Additionally, the eviction lawsuits we accepted are far more complex and thus require a great deal of staff time. Our Social Work program continues to thrive, and to date, we have provided 18 clients with ongoing social work services and 19 consultations for legal clients in need of wrap-around services.

A complete scope of services is included below, and proposed budget documents are enclosed.

Proposal for Fiscal Year 2021-2022

EBCLC proposes to provide legal services to **at least 406** low-income Berkeley tenants per year and social work services to 48 tenant/clients who have an annual income less than 80% of the median household income for Alameda County. EBCLC is proposing that the City Council continue to fund a portion of the time of one staff social worker to provide supportive and holistic services to tenants, as outlined in more detail below. Our Housing Program is currently planning for the inevitable increase in demand for tenant legal and advocacy services once the local moratoria are lifted.

Proposed services include:

Rent Board \$150,000



Legal Services

- 180 Pre-Litigation services*
- 36 Limited Scope/Pro Per Assistance**
- 18 Direct Representation**

City Council \$275,000

Legal Services

- 20 Pre-Litigation services*
- 120 Limited Scope/Pro Per Assistance**
- 32 Direct Representation**

*Note: These tenants will only receive pre-litigation services.

**Note: These tenants will also receive pre-litigation services, but will only be counted in these categories if their situation escalates to a higher level of service.

Social Work Services

- 30 Social work consultations
- 18 Holistic social work services to clients receiving direct representation

EBCLC will complete an intake that establishes the tenant's eligibility for services under this contract prior to providing in-depth legal representation and will keep the intake form in the client file if services are provided. We will maintain a record of all inquiries for advice or assistance that includes the date, address of the tenant's rental unit, the presenting problem, and the service provided.

Per the established schedule, EBCLC will submit a quarterly invoice along with a statistical report indicating the number of tenants served for the quarter with a breakdown of issues presented.

Scope of Services

The Housing Program at EBCLC offers low-income tenants multiple levels of assistance depending on need. These services will be delivered by staff attorneys, a staff social worker, intake coordinators, and our graduate-level law and social work interns who undergo intensive clinical training in delivering legal and social services. At each level, we have the capacity to serve clients in English, Spanish, Cantonese, and Mandarin. For clients who require language services beyond the capacity of staff and volunteers, EBCLC regularly uses a variety of interpretation services to provide translation and interpretation. At this time, the offices remain closed at least through the summer and services will continue to be provided remotely unless there is an emergency situation. In those cases, the Housing Program team will meet clients at



the office in accordance to our established COVID-19 protocols. Once our reopening plan is finalized, we will inform all funders.

Pre-Litigation Services

All Berkeley tenants who contact EBCLC for housing-related services are extensively screened for eligibility and need. The Housing Program has three full-time Intake Coordinators who take housing-related phone calls and meet face-to-face with tenants when safe and appropriate. They provide brief advice, information and referrals, as well as triage tenants for the Tenant Rights appointments, limited scope assistance, and direct representation.

Limited Scope Assistance

Tenants' Rights Workshops

Tenants (who become EBCLC clients) with non-urgent legal questions are generally scheduled for individual Tenants Rights appointments. The Housing Program will continue to provide individual Tenants' Rights appointments remotely until our office fully reopens. Pre-pandemic, we usually offered an evening Tenants Rights Workshop each week for nine months out of the year at EBCLC's Adeline Street office. While our offices are currently closed, the Housing Program still provides information, advice, and counsel on an individual basis via phone to low-income tenants who seek assistance with a range of housing issues including rent increases, repairs, security deposits, and subsidized housing. Additionally, under the supervision of EBCLC staff attorneys, law students will provide consultation to clients and write demand/dispute/cease and desist/reasonable accommodation letters and make phone calls on behalf of the client, as well as assist with completion of applications and gathering documentation, as needed. If it is determined that a client needs more extensive services, EBCLC may provide other limited scope or direct representation services if there is capacity. Otherwise, referrals are provided to ensure all of the tenant's needs are met.

Limited Scope/Pro Per Appointments

Tenants who have more urgent legal needs, including eviction lawsuits, rent board petitions, public housing authority hearings, and other urgent matters are scheduled for an appointment with an attorney or law student during normal business hours. At these appointments, tenants receive legal services such as responsive pleadings, motions, letters, petitions, and phone calls to landlords or their attorneys. In addition, cases are evaluated for further representation. Tenants who have current litigation or administrative proceedings are referred for direct representation.

Social Work Consultations

An EBCLC social worker will provide consultation to staff attorneys and intake coordinators as



they work with Berkeley tenants. This will include but not be limited to conducting brief tenant needs assessments, providing referrals and resources for tenants to access community-based services, and working with staff around engagement with tenants, particularly those that have a mental health diagnosis.

Direct Representation and Holistic Social Work Services

EBCLC provides holistic interdisciplinary representation to low-income Berkeley tenants who are defendants in unlawful detainer actions, have legal issues to be resolved before the Berkeley Rent Board or the Berkeley Housing Authority, or who otherwise require further direct legal representation in negotiating a legal issue with their landlord. Tenants are represented by staff attorneys and certified law students supervised by staff attorneys and receive additional assistance, as needed, through our Social Work program and the rental assistance program. In addition, tenants may be referred to another EBCLC program for assistance with legal issues such as immigration, consumer debt, or public benefits.

Social workers at EBCLC provide ongoing case management, crisis intervention, system navigation, and supportive advocacy to clients throughout the agency. For our Housing Program, one social worker will be designated to work with tenants/clients who receive direct representation services. She will assist tenants/clients in accessing public benefits and identify appropriate supportive services for tenants/clients, including mental health, substance use, and medical providers. She will also advocate for tenants/clients around disability-related needs, drafting reasonable accommodation requests, and working to ensure that our disabled tenants are being treated fairly by landlords and local housing authorities. Our social worker will also accompany tenants/clients to court and appointments in the community, enabling tenants/clients to form relationships with key stakeholders such as Section 8 representatives, community-based mental health providers, property managers, and medical professionals whose support has proven beneficial in resolving legal matters. EBCLC's social workers are invaluable to our attorneys as they are equipped to provide other services, such as crisis intervention, evaluation of other needs beyond legal advocacy, and can provide additional referrals; this only strengthens our legal representation. With both a lawyer and social worker on a team, we are able to problem-solve more creatively around settlement agreements, view our tenants/clients more holistically, and better understand both their legal and non-legal needs as we work together to help them preserve their tenancy and achieve stability.

The client stories below illustrate how our services have a significant impact on improving the quality of life for Berkeley residents, many of whom deal with difficult circumstances.

Ms. D is a monolingual, single mother living in Berkeley with her three- and seven-year-old children. Ms. D had lived in her home for over 11 years without issue and her housing was destabilized after her father passed away. She was unable to work for a few days because of her grief and had to divert some of her income to pay for his funeral expenses. The new property owner proceeded with quiet speed, serving a three-day notice to pay rent or quit, filing a

complaint, and securing a default judgment within the span of three weeks. By the time she learned what was happening, the sheriff was scheduled to evict her on March 2, 2020. Our attorneys took on the case and filed requests to postpone enforcement of the vacate date to give us time to successfully set aside this default judgment. We then aggressively litigated this case for several months. At the outset, the property owners had made clear that there was no possibility that Ms. D could remain in her home. However, because of our work building up this case for trial, the property owners were pushed into an agreement in which Ms. D could remain in her home. After reaching this agreement, our team worked to provide Ms. D with rental assistance to stabilize her housing going forward.

Ms. W is 77 years old and living with mental health issues. As the pandemic dragged on, her mental health significantly declined. Rather than providing an accommodation for her disabilities, the property owners chose to initiate an eviction for conduct seemingly arising from her disabilities, utilizing a loophole in the moratorium that allows for health and safety-related evictions. After the court issued a summons for the eviction complaint, our attorneys aggressively litigated this case. We filed a motion to dismiss (demurrer) and a motion to strike as the notice to quit failed to state any facts showing Ms. W posed a threat to the health and safety of other tenants. The court agreed with our motion and dismissed the case outright without a hearing.

Mr. F is a disabled Berkeley tenant who had been subject to racial discrimination as one of the few Black tenants in his affordable living senior housing project. After he tried to attend community meetings and have his voice heard, he was targeted and subsequently served with an eviction lawsuit. The loss of his voucher would have been devastating to Mr. F, as someone who has faced homelessness in the past. With increased physical and mental health disabilities, no family nearby, and pandemic-induced isolation, Mr. F began collecting clutter in his unit and slipped into a deep depression. He felt over-surveilled and underserved. After working with EBCLC to fight his legal case, he also utilized our social work support to get to a place of wellness. After building a close rapport with our social worker, he began to re-connect with his building's staff and neighbors who wanted to work towards an anti-racist community culture. His eviction case will soon settle with several reasonable accommodations made to his unit, including privacy protections. In the winter of 2020, with the help of the social worker, he was able to have a deep cleaning of his unit, and will soon have ongoing assistance from an IHSS worker to help him with daily tasks. Recently, Mr. F shared with the social worker that he felt like "there are now flowers blooming." He is ready to restart vital therapy sessions and happy that after spending so much time managing alone, he now has a robust support team.

Ms. V, also known as "Aunt V," is a long-time resident of Berkeley and honorary auntie to many. As a low-income, disabled elder, Aunt V fell behind on rent after an error with her disability benefits wreaked havoc on her income. When EBCLC met her one year ago, she was in and out of the emergency room for preventable flare-ups of chronic health and psychiatric conditions. Even though EBCLC's legal team was confident they could settle the eviction case, Aunt V was consistently decompensating and questioning her own ability to live without



support. She wanted to retain her independence and her housing, which also meant her critical Section 8 voucher. Our social worker brought on a new case manager from Berkeley Senior Center and together, they provided regular contact during the shelter-in-place and got Aunt V a safe medical bed for her home. Our social worker was able to certify Aunt V's niece as her in-home-support caregiver and apply for a reasonable accommodation for her niece to be approved as the live-in caregiver. With this increase in support, Aunt V began to significantly stabilize. In early 2021, her eviction case was settled and she received back rent assistance from the City of Berkeley's COVID-19 Housing Retention Program. The social worker also helped Aunt V apply for a utilities grant to ease the burden of bills unpaid during the pandemic. After scheduling a vaccine appointment with the help of our social worker, Aunt V just received her first vaccine dose and is looking forward to opening back up to the world.

We are so very grateful for the ongoing support of the Berkeley Rent Board and City Council in meeting the needs of Berkeley's low-income community members. We look forward to continuing to strengthen our partnership and working on creative solutions to achieve long-term housing stability for Berkeley tenants.

If you have any questions or would like more information, please do not hesitate to contact Shauna Fujimoto, our Contracts Officer, at sfujimoto@ebclc.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Jay Kim", with a long horizontal stroke extending to the right.

Jay Kim
Co-Deputy Director
East Bay Community Law Center
kim@ebclc.org

RESOLUTION 21-14

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22

BE IT RESOLVED BY the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, the primary intent of the Rent Stabilization Board and the Rent Stabilization and Eviction for Good Cause Ordinance is to preserve affordable housing so as to continue the diversity our community has embraced for decades; and

WHEREAS, effective administration of the Rent Stabilization and Eviction for Good Cause Ordinance and advocacy surrounding the eviction protections listed therein have proven the most effective way to preserve affordable housing and prevent displacement that often leads to homelessness; and

WHEREAS, the Board first contracted with the Eviction Defense Center (EDC) in 2001 to provide services to lower-income Berkeley tenants, and the Board has extended the contract with amendments, each fiscal year thereafter; and

WHEREAS, the Board's contract with the EDC is scheduled to expire on June 30, 2021 and a need continues to exist for providing services to lower-income Berkeley tenants on matters dealing with their tenancies; and

WHEREAS, the Board has been extremely pleased with the excellent services provided by the EDC since 2001; and

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, allocated \$300,000 per year to these services in the 2017-2018 and 2018-2019 Biannual Budgets; and

WHEREAS the Berkeley City Council authorized the transfer of \$550,000 for fiscal years 2020 and 2021 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

RESOLUTION 21-14

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22 (Page 2)

WHEREAS, the Berkeley City Council authorized the transfer of \$550,000 for fiscal year 2021/22 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

WHEREAS, the need for these additional services is urgent due to the ongoing housing crisis; and

WHEREAS, per Council's request, the Board agreed that the most expeditious way to ensure prompt delivery of these additional services was via an amendment to the existing Rent Board contracts with East Bay Community Law Center and Eviction Defense Center; and

WHEREAS, through Resolutions 17-17, 18-10, 19-14 and 20-08, the Board authorized the Executive Director to amend the EDC contract for Fiscal Year 2017/18, 2018/19, 2019/20, 202/21, and

WHEREAS, because the need for these services continues to increase, the Board issued a request for proposal to continue these essential services for an additional year; and

WHEREAS, the EDC responded to the RFP and has requested a continuance of funding to provide services in Fiscal Year 2021/22; and

WHEREAS, testimony was presented to the Eviction Committee about the ongoing vulnerability of low-income tenants in today's unbalanced housing market; and

WHEREAS, the members of the Eviction Committee and the Executive Director recommended that the Board approve funding for this organization; and

WHEREAS, the Board has long understood that the work this organization performs significantly contributes to the preservation of affordable rental housing and has encouraged Council to allocate resources to support it; and

RESOLUTION 21-14

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22 (Page 3)

WHEREAS, at the request of City Council, the scope of services under the contract with EDC was expanded, utilizing the additional funding provided by Council; and

WHEREAS, the proposed City and Rent Board budgets allocated \$275,000 (General Fund) and \$150,000 (Rent Board Fund) respectively to continue funding services provided by this contract;

NOW, THEREFORE BE IT RESOLVED, that the Rent Stabilization Board authorizes the Board's Executive Director to modify the contract with the EDC to extend its term through June 30, 2022 and increase the contract in an amount not to exceed \$425,000 (\$275,000 from City Council General Fund) for services to be provided in the 2021/22 fiscal year. The total amount payable under this contract shall not exceed \$2,014,250.

Dated: June 17, 2021

Adopted by the Rent Stabilization Board by the following vote:

YES:
NO:
ABSTAIN:
ABSENT:
RECUSED:

Leah-Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
Matt Brown, Acting Executive Director

RESOLUTION 21-15

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22

BE IT RESOLVED BY the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, the primary intent of the Rent Stabilization Board and the Rent Stabilization and Eviction for Good Cause Ordinance is to preserve affordable housing so as to continue the diversity our community has embraced for decades; and

WHEREAS, effective administration of the Rent Stabilization and Eviction for Good Cause Ordinance and advocacy surrounding the eviction protections listed therein have proven the most effective way to preserve affordable housing and prevent displacement that often leads to homelessness; and

WHEREAS, the Board first contracted with East Bay Community Law Center (EBCLC) in 1996 after the passage of Costa Hawkins necessitated provision of services to lower-income Berkeley tenants, and the Board has extended the contract with amendments each fiscal year thereafter; and

WHEREAS, the Board's contract with East Bay Community Law Center (EBCLC) is scheduled to expire on June 30, 2020 and a need continues to exist for providing services to lower-income Berkeley tenants on matters dealing with their tenancies; and

WHEREAS, the Board has been extremely pleased with the excellent services provided by the EBCLC since 1996; and

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, allocated \$300,000 per year to these services in the 2017-2018 and 2018-2019 Biannual Budgets; and

RESOLUTION 21-15

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22 (Page 2)

WHEREAS the Berkeley City Council authorized the transfer of \$550,000 for fiscal years 2020 and 2021 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

WHEREAS, the Berkeley City Council authorized the transfer of \$550,000 for fiscal year 2021/22 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

WHEREAS, the need for these additional services is urgent due to the ongoing housing crisis; and

WHEREAS, per Council's request, the Board agreed that the most expeditious way to ensure prompt delivery of these additional services was via an amendment to the existing Rent Board contracts with East Bay Community Law Center and Eviction Defense Center; and

WHEREAS, through Resolution 17-17, 18-11, 19-14 and 20-09, the Board authorized the Executive Director to amend the EBCLC contract for Fiscal Years 2017/18, 2018/19, 2019/20, and 2020/21; and

WHEREAS, because the need for these services continues to increase, the Board issued a request for proposal to continue these essential services for an additional year; and

WHEREAS, EBCLC responded to the RFP and has requested a continuance of funding to provide services in Fiscal Year 2021/22; and

WHEREAS, testimony was presented to the Eviction Committee about the ongoing vulnerability of low-income tenants in today's unbalanced housing market; and

RESOLUTION 21-15

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22 (Page 3)

WHEREAS, the members of the Eviction Committee and the Executive Director recommended that the Board approve funding for this organization; and

WHEREAS, the Board has long understood that the work this organization performs significantly contributes to the preservation of affordable rental housing and has encouraged Council to allocate resources to support it; and

WHEREAS, at the request of City Council, the scope of services under the contract with EBCLC was expanded, utilizing the additional funding provided by Council; and

WHEREAS, the proposed City and Rent Board budgets allocated \$275,000 (General Fund) and \$150,000 (Rent Board Fund) respectively to continue funding services provided by this contract;

NOW, THEREFORE BE IT RESOLVED, that the Rent Stabilization Board authorizes the Board's Executive Director to modify the contract with the EBCLC to extend its term through June 30, 2022 and increase the contract in an amount not to exceed \$425,500 (\$275,000 from City Council General Fund) for services to be provided in the 2021/22 fiscal year. The total amount payable under this contract shall not exceed \$1,984,500.

Dated: June 17, 2021

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

RECUSED:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
Matt Brown, Acting Executive Director