



April 11, 2011

Matt Brown  
Staff Attorney  
City of Berkeley Rent Stabilization Board  
2125 Milvia Street  
Berkeley, CA 94704

RE: FY 2011-2012 Request for Funding

Dear Mr. Brown,

I am delighted to submit a proposal from the East Bay Community Law Center requesting \$123,320 from the Berkeley Rent Board to provide eviction defense and other housing services to low-income tenants in Berkeley during the 2011-2012 fiscal year. Rent board funds would support EBCLC Housing Practice staff members in their work to keep Berkeley residents housed through assistance to tenants with rent board petitions and hearings and eviction defense services, as more fully described in the scope of services below. I am also attaching a proposed Workplan and Budget.

Description of Need

For low-income tenants, the cost of most rental housing in the East Bay is impossibly high. Data released in October 2008 from the National Low Income Housing Coalition state that in the East Bay a low income household (earning \$25,830, 30% of the Area Median Income of \$86,100) can afford monthly rent of no more than \$646, while the Fair Market Rent for a two bedroom unit is \$1,239. In Berkeley, the situation is particularly challenging, as noted in the *City of Berkeley Consolidated Plan for Housing and Community Development, 2005-2010*: among all Berkeley households there are 10,153 extremely low-income households, 79 percent of whom have difficulties affording their housing. Another 5,300 households have very low incomes, and of these, three-quarters (75.1 percent) have trouble affording their housing. In all, there are 12,008 households with incomes below 50 percent of AMI in Berkeley, 85 percent of which are renters. With the continued economic recession and the rate of unemployment in the Bay Area remaining stubbornly high, we expect the community need for housing advocacy to continue at a high level in the coming years.

Since our founding in 1988, EBCLC has focused its housing advocacy on eviction defense, an effective method of preventing homelessness and slowing the loss of affordable housing. Legal representation for tenants facing eviction often makes the difference between a family staying housed and becoming homeless. A study conducted by EBCLC found that tenants prevail in 60% of eviction cases if they are represented; without assistance they prevail in 6% of such cases. In fact, through the years, EBCLC staff and students have had an 85% success

rate in keeping people in stable housing or negotiating with landlords to allow clients sufficient time to locate and obtain new, stable housing.

However, the situation for low-income tenants in Berkeley and throughout the East Bay has become more tenuous since 2008, and threatens to get even worse. With the onset of the mortgage foreclosure crisis two years ago, we have seen a drastic increase in the number of low-income tenants needing assistance to challenge attempts by banks to illegally evict them when they have been dutifully paying their monthly rent, only to find out that the landlord has not been making payments on the mortgage. Nationwide statistics show that more than 50% of all mortgage foreclosures involve tenants on the properties, in danger of being evicted through no fault of their own. Responding to this new level of need has further stretched already thin housing advocacy resources.

Budget cuts at the local, state, and federal levels put an additional strain on low-income renters and housing organizations. These cut threaten services for tenants, but also the possibility of retaining or expanding the affordable housing pool. For example, the current proposal to end, rather than reform, California's Redevelopment funds would eliminate the single largest source of support for affordable housing in the state. For housing retention advocates like EBCLC, this means that for each client in affordable housing, we are fighting for that person's or family's home, but also to retain an affordable housing unit on the market that may not ever be replaced. Berkeley's precious stock of affordable housing is under growing threat, creating ever-increasing stress for low-income tenants and urgency for EBCLC's advocacy.

Despite these formidable challenges, EBCLC will continue to strive for successful outcomes on behalf of our clients, both in terms of avoiding homelessness through eviction defense and in helping clients ensure that landlords maintain habitable units and comply with other applicable housing laws. EBCLC housing advocates will work with other organizations to formulate policy on issues such as code enforcement, increased access to housing for the disabled, preservation of affordable housing, promotion of neighborhood stability, and long-term strategies to prevent homelessness.

#### Scope of Services

The Housing Practice at the East Bay Community Law Center offers to low-income clients three levels of assistance: brief services, limited-scope assistance, and full representation. These services are delivered by EBCLC staff attorneys, a paralegal, and our law student interns, who have undergone intensive clinical training in delivering legal services to low-income clients. At each level, we have the capacity to serve clients in English and Spanish, and for clients who require language services beyond the capacity of staff and volunteers, EBCLC regularly partners with a variety of interpretation services to provide translation and interpretation.

##### 1. Brief Services

The staff attorneys and law students of the Housing Practice operate a Tenants Rights Workshop each week on Wednesday evenings at the EBCLC Neighborhood Justice Clinic,

3130 Shattuck Avenue in Berkeley, and on Thursday evenings at Centro Legal de la Raza, 3022 International Boulevard, #410, in Oakland. At the workshops, brief legal services are provided to low-income tenants who seek assistance with a range of housing issues, rent increases, repairs, security deposits, and subsidized housing. Brief services are also provided at the main EBCLC office at 2921 Adeline Street in Berkeley through our Housing Paralegal and law students, who see drop-in clients and field housing-related calls five days a week to provide advice and referrals, as well as to triage clients for the Tenant Rights Workshops, the Eviction Clinic, and in-house case representation.

## 2. Limited Scope Assistance

EBCLC operates an Eviction Clinic every Monday and Wednesday at our Neighborhood Justice Clinic, 3130 Shattuck Avenue in Berkeley. At the clinic, which is staffed by EBCLC attorneys and law students, low-income tenants receive self-help assistance so that they can handle their housing cases in *pro per*. This assistance can range from preparing court documents for tenants to file to providing them with in-depth guidance and advice about the legal process. This limited scope assistance also includes situations where EBCLC attorneys sign limited representation retainer agreements for tenants who return multiple times to the Eviction Clinic for assistance with their *pro per* case.

## 3. Full Representation

EBCLC provides full case representation to low-income Berkeley tenants with the following kind of cases:

### a) Eviction Defense

These services will involve representation as attorney of record in cases where the tenant has a meritorious defense to an eviction action. This category also includes cases where EBCLC helps the client prepare for trial, knowing that the case may well settle before reaching the trial stage. Some cases will involve challenges to unsafe and illegal conditions in clients' rental housing units.

### b) Rent Board Matters

These services include preparation of rent adjustment petitions, representation at rent board hearings, and enforcement of habitability laws.

### c) Affirmative Cases

Although Berkeley Rent Board funds are not used for this category of service, EBCLC Housing Practice staff and students do pursue law suits against landlords and banks throughout the state of California that have violated state and local laws protecting tenants from abuse.

The most significant Scope of Service change that EBCLC would like to propose to the Berkeley Rent Board is to shift some resources from the Brief Services that we provide through Tenants Rights Workshops and put them towards Limited Scope Assistance that we provide through our Eviction Clinic and the Full Representation advocacy we provide at our main office. As you will see from the numbers in our attached Workplan, we are proposing

a 50% increase in the number of Full Representation clients, a 25% increase in the number of Limited Scope Assistance clients, and a 20% decrease in Brief Services clients. This means an overall reduction in the number of clients served through this contract. However, the shifted clients will receive a significantly higher level of service, which we hope will contribute to more positive outcomes for them.

We would like to note that our request for funding in the amount of \$123,320 this year represents an increase of \$11,320 over last year's funding. We understand that resources are very tight at all levels of operations for the City of Berkeley, due to budgetary restraints. The reason for this increased request is that in October 2010, EBCLC added a new 1.00 FTE Attorney Fellow position to our Housing Practice to explicitly provide pre-litigation advocacy to low-income tenants who are living in mortgage foreclosed properties. We believe that this is a significant and crucial addition to the array of legal services available to Berkeley residents and we hope that the Berkeley Rent Board will be able to partially support these expanded services. Also important to note is that the amount of funding that EBCLC has received from the Berkeley Rent Board has remained flat for the past three fiscal years (FY2008-09 – FY2010-11), including the current year of funding.

#### Conclusion

We have been very grateful for the past support of the Berkeley Rent Board in meeting the needs of Berkeley's low-income tenants. We look forward to continuing to strengthen our partnership.

Please do not hesitate to contact me with any questions about this proposal or if I can be of any further assistance in this process.

Kind regards,



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COMMUNITY AGENCY  
COMPOSITE PROGRAM BUDGET  
REVENUE & EXPENSE SUMMARY

Contractor	East Bay Community Law Center			
SOURCES OF FUNDS	<b>TOTAL</b>	APPROPRIATION REQUIREMENTS		
		Expenditure Categories		
Revenue Categories		Salaries & Benefits	Services & Supplies	Fixed Assets
I. RENT BOARD FUNDS	123,320	108,845	14,475	0
II. OTHER SOURCES OF FUNDS				
A. Federal				
B. State				
<b>Federal &amp; State Sub-Totals</b>	0	0	0	0
C. County				
D. Client Fees				
E. Private Foundations/Corporations	69,000	69,000	0	0
F. Fundraising Activity/In kind				
G. Miscellaneous/Other Local Govt.	427,155	327,830	99,325	0
<b>Sub-Total</b>	496,155	396,830	99,325	0
<b>GRAND TOTAL</b>	619,475	505,675	113,800	0

COMMUNITY AGENCY  
 COMPOSITE PROGRAM BUDGET  
 EXPENDITURE CATEGORIES & BENEFITS DETAIL  
 Services Provided to Berkeley Residents Only  
**EAST BAY COMMUNITY LAW CENTER**

Project: Eviction Defense & Housing Services for FY2011/2012

<b>Salary &amp; Wage</b>		Annual		<b>TOTAL PROJECT</b>
Position Title	FTE*	Salary**	Amount	
Housing Practice Director	24%	\$88,535	\$21,248	\$21,248
Sr Staff Attorney	24%	\$93,877	\$22,531	\$22,531
Staff Attorney	13%	\$75,372	\$9,422	\$9,422
Staff Attorney	13%	\$61,335	\$7,667	\$7,667
Housing Fellow	10%	\$52,971	\$5,297	\$5,297
Intake Paralegal	15%	\$52,077	\$7,812	\$7,812
Executive Director	3%	\$124,509	\$3,586	\$3,586
Finance & Admin Director	2%	\$100,057	\$1,979	\$1,979
Office Manager	2%	\$72,187	\$1,660	\$1,660
Contracts Manager	2%	\$55,620	\$1,279	\$1,279
Admin Assistant 1	2%	\$49,440	\$1,137	\$1,137
Admin Assistant 2	2%	\$43,260	\$995	\$995
<b>Salary Subtotal</b>			<u>\$84,612</u>	<u>\$84,612</u>
<b>Benefits</b>				
FICA 6.2% up to \$62,700			\$5,246	\$5,246
Medi-Care 1.45% unlimited			\$1,227	\$1,227
UI @ .21%			\$178	\$178
Workers Comp @ .78%			\$660	\$660
Health Insurance @ 17.75%			\$15,019	\$15,019
Dental Insurance @ 2.25%			\$1,904	\$1,904
<b>Benefits Subtotal</b>			<u>\$24,233</u>	<u>\$24,233</u>
<b>Salary &amp; Benefits Total</b>			\$108,845	\$108,845
<b>Services &amp; Supplies</b>				
Equipment Lease			\$800	\$800
Rent			\$4,500	\$4,500
Building Maintenance/Janitorial			\$1,775	\$1,775
Utilities			\$2,000	\$2,000
Telephone			\$1,000	\$1,000
Office Supplies			\$1,500	\$1,500
Postage			\$600	\$600
Insurance			\$800	\$800
Accounting & Audit			\$1,500	\$1,500
<b>Services &amp; Supplies Subtotal</b>			<u>\$14,475</u>	<u>\$14,475</u>
<b>Fixed Assets</b>				
<b>Fixed Assets Subtotal</b>			<u>\$0</u>	<u>\$0</u>
<b>GRAND TOTAL</b>			\$123,320	\$123,320

\*EBCLC's Full Time Equivalency (FTE) = 1,820 hrs/yr. As requested, the noted FTEs are based on 2,080 hrs/yr.

\*\*Annual salaries reflect what they would be based on 2,080 hrs/yr. Actual salaries are lower as they are based on 1,820 hrs/yr.

## WORK PLAN 2011-2012

List key activities for each major component or service. Include client contacts and/or significant events as appropriate.

Program: EBCLC's Eviction Defense and Housing Services

Component/Service	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	TOTAL
Tenant Workshops/ Brief Pre-Litigation Services	20	18	18	20	20	20	18	20	20	20	18	18	230
Eviction Clinic/Pro Per Assistance	4	2	3	4	4	3	3	4	4	4	2	3	40
Direct Representation Pre-UDs/UDs/Rent Board	2	1	1	2	2	1	1	2	2	2	1	1	18
TOTALS	26	21	22	26	26	24	22	26	26	26	21	22	288