



March 13, 2020

Mayor London Breed
City Hall Room 200
San Francisco, California

Mr. Michael Yuen
Chief Executive Officer
San Francisco Superior Court
400 McAllister St.
San Francisco, California

Sheriff Paul Miyamoto
City Hall
San Francisco, California

Re: Non Profit Eviction Defense Services and the Coronavirus Emergency

Dear Mayor Breed, Mr. Yuen and Sheriff Miyamoto:

Together, we write to urge additional steps during this critical period of mitigation measures to slow the spread of the coronavirus in our community. We are the legal services providers and community benefit organizations that support San Francisco's tenant population.

The immediate measures requested are necessary to slow the spread of the virus in the general community as well as to prevent the spread of the virus to our staff who are on the frontlines of this housing crisis that likely will be worsened as a result of this pandemic.

The following is a list of requests, in order of the greatest measures to protect our community to lesser measures that may help stem the spread of the virus.

To Mayor Breed

We ask the City impose a 30-60 day moratorium on evictions of every kind other than those needed for the health and safety of other tenants in the building, i.e. nuisance cases where a tenant's violent conduct is putting other tenants at risk.

Why this particular measure is being requested:

Eviction Defense Collaborative

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Phone: (415) 947-0797 | Fax: (415) 947-0331 www.evictiondefense.org

- a. This measure keeps people in their homes during a period of time where the CDC recommends social distancing to slow the exponential growth of the virus.
- b. This measure allows frontline staff at eviction defense service organizations to work from home, again, minimizing person to person exposure as well as promoting social distancing.

To the Superior Court of the County of San Francisco

We seek automatic continuances of all pending unlawful detainers for 30-45 days. Furthermore we seek a 30-45 day moratorium on the filing of new unlawful detainer actions (except in cases where the plaintiff is alleging a defendant's violent behavior constitutes a threat to the health and/or safety of other tenants in the property). Alternatively, we request that no defaults be taken in unlawful detainer actions immediately and for the next 30-45 days.

Why these particular measure are being requested:

- a. Currently the structure of housing court requires large numbers of people gather every Wednesday and Thursday afternoons for 4 hours for mandatory settlement conferences. Typically there are 40-70 people involved in each day's conferences, all of whom congregate in one courtroom and then one hallway of the courthouse.

This is incongruent with the CDC and San Francisco Department of Public Health (SFPDH) recommendations for social distancing. Even if the Court were to allow these conferences to take place by telephone, there are a large number of *pro per* litigants who receive a *pro bono* attorney for settlement conference only as a result of the No Eviction Without Representation Act. The sheer logistics of this service (meeting to sign a limited scope retainer, serving Notice of Limited Scope on opposing counsel and filing it with the Court) would undo any benefits obtained by having telephone settlement conferences and would create an undue burden on litigants and the Court. Additionally, on Monday trial call day in housing court there are typically 40-50 people in the courtroom and in a small hall on the 6th floor. Again, this makes social distancing impossible.

- b. Evictions of tenants put more people on the streets without a safe place to self-quarantine if someone becomes ill further exposing the public to the virus. Even if a tenant would not be rendered homeless as a result of the eviction, having to defend against the eviction and seek alternate housing requires going out into the public sphere, thereby violating the CDC and SFPDH social distancing guidelines.
- c. An incident yesterday demonstrates why an ad hoc approach will not work:

A tenant attorney met with a client today who was coughing and had been released from the hospital 48 hours prior to meeting with the attorney. The attorney had no way of knowing whether the client had COVID-19 nor was the attorney able to confirm whether the client had been tested (as this was a high-needs client). The attorney went to Court to act as a limited scope attorney for a different client for mandatory settlement conferences. While there, the attorney went to the clerks in Dept. 501 to ask how to handle the hearing set for the sick client the next day. The attorney said, “ I have a hearing for a sick client who may have COVID-19 and with whom I met today, and want to know how to handle tomorrow’s hearing in his case.”

Based on this one statement, the bailiffs escorted the attorney out of the courthouse and the corresponding agency was called by Judge Feng and requested to report back whether the client did or did not have COVID-19. It was explained to the Judge that the agency didn’t know, and would try to ascertain the client’s status, but given the client’s right to privacy, could not guarantee it would be able to respond. It was also explained that 4 other attorneys from that agency were currently at the Court’s Mandatory Settlement Conference calendar. The agency asked the Judge if he was requiring that they too leave their clients unrepresented. He said he would hope that they would leave. Given the information at hand, the agency could not advise the staff attorneys to abandon their clients. The Court then moved all the litigants and their attorneys to the sixth floor and began disinfecting Department 501.

Unless a moratorium is called, staff of the nine non-profits providing Prop F Services as well as the tenant counseling agencies must continue to come to work as they are the frontline service providers preventing defaults in eviction actions. Each and every day our staff continue to be exposed to a waiting room full of clients, any one of whom may have the virus or may have been exposed to it, thereby exposing our staff to the risk. This then puts everyone on the staff at risk of exposure.

To the Sheriff

We seek a moratorium on executing writs of possession for 30-60 days.

Why this particular measure is being requested:

- a. Homelessness creates a greater risk of the spreading of the virus. Again, people need a place to self-isolate if we are going to be able to control the spread of the virus. Adding additional people to the streets at this time would be increasing everyone’s risk of contracting the virus.



The Court has a disaster plan and has the power to implement it. It was implemented after the 1989 earthquake. Currently San Diego County Superior Court has suspended all civil jury trials for the next 30 days so there is precedent for the requests being made here. In addition, one of San Francisco's largest landlords, Greentree, has imposed a voluntary moratorium on nonpayment of rent cases related to Covid-19 which shows that both sides of the aisle see the necessity of addressing this emergency in a way to keep the most people housed. We applaud this measure, but do believe that the requests made in this letter which go further than the Greentree moratorium are necessary for the health and safety of our citizens.

Any services not related to the health and safety of our community should be suspended to slow the spread of this virus. Our schools and colleges are closed. Many private employers are having their staff work remotely. So long as evictions are not halted, given the essential nature of our services, our staff must come to work every day to prevent defaults and homelessness. The only way to keep the spread of this virus at manageable rates for our health care system is with increased social distancing. The steps requested above for a short period of time will go a long way to increasing the likelihood of such an outcome. We also offer the services of the top management of our agencies to work with the Mayor's offices, the Sheriff's office and the Courts to help design and implement these measures.

Very truly yours,

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