

Representing Tenants in Unlawful Detainer Actions in San Francisco 2014

January 31, 2014

9:00 a.m. – 12:30 p.m.

Why You Should Attend

For low-income families who often do not have the benefit of legal counsel, eviction can mean homelessness. Most are unrepresented. Won't you volunteer to help those in our community who are most vulnerable? Get the legal training you need at this half-day program and then sign up with the Justice & Diversity Center of The Bar Association of San Francisco and make a difference.

What You Will Learn

- The several types of housing and rent ordinances
- The various defenses that may be available in the Unlawful Detainer action
- How to use discovery in Unlawful Detainer actions
- An inside view of the settlement conference
- How to prepare and conduct the trial

Who Should Attend

Attorneys who would like to provide pro bono representation to low-income clients in unlawful detainer actions will learn what they need to know.

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Program Schedule

9:00

Program Overview and Introductions

Carolyn Gold

9:15

Types of Housing; Rent Ordinance

- Types of Housing
 - Rent Control
 - Subsidized Housing
 - SFHA
 - Project Based subsidies
 - Section 8 voucher program
- Rent Ordinance
 - Defenses to eviction
 - Nonpayment
 - habitability
 - waiver
 - retaliation/discrimination
 - dominant motive (Petition for Relief)
 - illegal rent increase
 - Subletting-subletting in violation of rental agreement
 - factual defense
 - waiver
 - retaliation/discrimination
 - dominant motive
 - oral agreement
 - Rent Ordinance section 6/14 and 6/15-subsequent occupants
 - Costa-Hawkins limits defenses to subletting
 - Nuisance
 - factual defense
 - reasonable accommodation/hoarding
 - waiver
 - retaliation/discrimination
 - dominant motive
 - Other Grounds for Eviction
 - factual defense
 - illegal purpose
 - no fault
 - relocation

Thomas E. Drohan, Carolyn Gold, Phillip R. Morgan, Cathy Mosbrucker, Ora Prochovnick

10:15

Overview of an Unlawful Detainer Case

- EDC (Eviction Defense Collaborative)
 - What it does
 - Rental assistance
- First Steps When You Get a File
- Discovery
 - Why and under what circumstances it can be useful
 - Non discovery investigation methods
 - When to take depositions
 - Court Reporter Transcript Fund
 - Other rules of thumb
- Settlement
 - What happens at Settlement Conference
 - Different approaches to settlement
 - Pay and stay
 - Move out
 - Landlord pays tenant
 - Repairs
 - Sixty-day curtain
 - Security deposit and interest
 - Releases
- Trial
 - Trial Briefs, Jury Instructions, Motions In Limine
 - Trial resources
 - Monday morning
 - Order of trial

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11:15

Networking Break

11:30

Subsidized Housing

- How Rent is Calculated
 - Income exclusions
- Evictions from subsidized housing
 - Look to Lease-good cause required
 - Different notice periods
 - Common types of evictions
 - Violation of lease in not reporting income
 - Non payment
 - Nuisance
 - One Strike
 - Law governing evictions from HUD subsidized housing

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12:30
Adjourn

Faculty

Chairperson

Carolyn Gold

Supervising Attorney
Justice & Diversity Center of The Bar Association of San Francisco
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Thomas E. Drohan

Staff Attorney
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Program Attorney: Christina Thompson