

August 19, 2011

Mr. Dan Ruben
Executive Director
Equal Justice America
13540 East Boundary Road
Building II, Suite 204
Midlothian, A 23112

Dear Mr. Ruben:

Foremost, thank you for awarding me a 2011 Equal Justice America Summer Fellowship. This letter serves to briefly summarize to you my summer internship with Bay Area Legal Aid.

I spent this summer advocating for low-income tenants facing judicial eviction proceedings. A majority of my former clients live in public housing, federally assisted housing, or supportive services housing. All of them receive a fixed income, i.e., their source of income is either: from Social Security, because they are disabled; from unemployment insurance, because they are unsuccessfully seeking employment; or from general assistance funds for their children, because they are single parents. Their monthly income is low and limited, and they have to budget their income to endure the month until their next check.

Some clients faced eviction proceedings because they fell behind on their rent, owing hundreds of dollars, and some even thousands. They fell behind because they had to make difficult decisions. Because they or their family member became sick (or hospitalized), they faced the dilemma of either paying for their medical expenses first (and subsequent bills) to receive urgent care, or pay their rent. Understandably so, they decided to pay their health care bill instead. Other clients lost their jobs and, accordingly, their incomes dropped substantially to the point that they could no longer make pay their full rent. And for most of them, this was the first time that they had ever faced any legal action against them and faced the threat of losing their homes.

Because unlawful detainer actions in California are adjudicated in a short time, usually twenty days, my summer was pretty busy. By the time I conducted a client's intake, their case was resolved within one-and-half weeks. Thankfully, all of my cases settled, and my former clients stipulated to a repayment plan. They were able to stay in their homes, and pay monthly damages in addition to their rent at a price they could afford.

There is one client whose story I would like to share because it is the highlight of my summer: (For confidentiality purposes, my client's name is different than what I use below.)

Mr. Smith first approached Bay Area Legal Aid with a 14-day notice to quit. His landlord was evicting him because he, allegedly, was a nuisance, and threatened the health and safety of the other tenants. However, Mr. Smith was far from a nuisance; in fact, he was the only diamond in a mine. And like any diamond, Mr. Smith shined in the environment he lived in. As a resident a single room occupancy ("SRO") program, Mr. Smith sought supportive services to change his life around. He entered detox in October 2010, and thanks to his strong willpower and support from his

caseworkers and doctor, he has been sober for nearly eleven months. He focused his time, money, and energy into composing music and getting back on track. However, it was not at all easy. He had to overcome obstacles and peer pressures from his former friends/co-tenants, who would become somewhat spiteful of Mr. Smith's progress—and his disinterest in no longer getting high with them—by accusing him of being a nuisance, starting fights, and making false accusations. Mr. Smith knew that he needed to get out of the SRO if he was to focus on his health and sobriety. Because he was disabled, Mr. Smith asked for a reasonable accommodation request to be transferred to a different SRO site; however, his landlord responded with a notice to quit the next day, which seemed highly retaliatory. And because Mr. Smith's tenancy was not in good standing, i.e., he was served a notice to quit, his reasonable accommodation request was denied according to the SRO's housing policy. So Mr. Smith was stuck.

When Mr. Smith approached my office for help, he was very distraught. BALA agreed to represent him at the grievance hearing. My supervising attorney and I believed that the SRO's denial of the reasonable accommodation request violated Fair Housing laws, they have not initiated the interactive process, the eviction notice seemed retaliatory, and that the nuisance allegations were unfounded.

On the morning of the hearing, to our great surprise, we received word that the local housing authority offered Mr. Smith a studio apartment in a quiet residential neighborhood on the Westside. Not knowing whether Mr. Smith could raise the move-in costs to secure the unit, or even whether the studio would still be available after the hearing, we met with the landlord and the supportive services administrators. There, we raised our concern that their reasonable accommodation policy violated Fair Housing laws because they had not engaged in the interactive process and because their notice to quit seemed retaliatory to Mr. Smith's accommodation request. My supervising attorney and I informed them that just because a tenant is facing eviction proceedings, it does not relieve the landlord from engaging in the interactive process; Fair Housing laws still apply to the terms of the entire tenancy, even when a tenant is facing eviction proceedings. We also discussed the basis of the nuisance allegations against Mr. Smith. They were based on incident reports and hearsay, and many were from two particular individuals who, Mr. Smith alleges, are substance abusers and who have personal grudges against Mr. Smith.

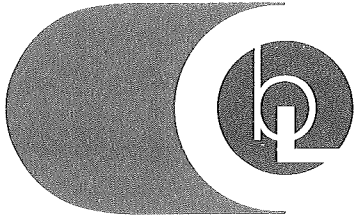
After much deliberation, we negotiated that the landlord would not file an unlawful detainer until September pending Mr. Smith's "behavior." We were able to stall the unlawful detainer so as not to affect Mr. Smith's credit so he could still be able to find other housing in the event that the housing authority's offer was already taken. But thanks to his caseworker and our immediate action, Mr. Smith obtained the money necessary to cover his moving-in costs from his payee. (Because the landlord sent Mr. Smith a notice to quit, the landlord was not accepting the rent payments from Mr. Smith's payee, which were sitting on the payee's desk.) As of today, Mr. Smith is living in his studio apartment, focusing on his health and sobriety, away from peer pressure, and composing his music.

It was very rewarding both professionally and personally to work for Bay Area Legal Aid this summer. And thanks to the Equal Justice America, I was able to do it.

Sincerely,

José Rojas
UC Hastings College of the Law
J.D. Candidate 2012

Ramón P. Arias
Executive Director



BAY AREA LEGAL AID
WORKING TOGETHER FOR JUSTICE

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September 9, 2011

Re: Jose Rojas' work at Bay Area Legal Aid

Dear Mr. Ruben:

I am writing regarding Jose Rojas, who worked at Bay Area Legal Aid as a law clerk this past summer. Jose was an incredible asset to our program and a wonderful person to work with. He was a zealous advocate for our clients and worked with many challenging cases. Jose's eloquent writing and powerful oral advocacy make it clear that he will be a strong voice for justice throughout his career. He has great energy and enthusiasm and was always eager to tackle challenging cases.

This summer marked the beginning of a massive tide of evictions from San Francisco's public housing developments, and Bay Legal received an unprecedented number of calls from low income families desperate to avoid eviction. These families are indigent and would certainly face homelessness if they lost their homes. Jose was an instrumental part of our team as we scrambled to meet the demand and to help our clients negotiate to stay in their housing.

Jose worked with many clients over the summer, including one severely disabled man who faced eviction from his single room occupancy home. The landlord refused to provide the client with a handicapped accessible unit despite requests by his doctor, and then served him with an eviction notice. The client had been homeless before, and was terrified to be on the street again. His only income was Supplemental Security Income

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benefits, and he could not afford another apartment. Jose wrote a detailed letter on the client's behalf requesting a reasonable accommodation for his disability, demanding that the landlord cease its discriminatory conduct, and requesting a grievance hearing. Jose then represented the client at the grievance hearing, and presented a moving and persuasive argument on his behalf. Thanks to Jose's work, the client is now living in an accessible unit where he can come and go without difficulty and can continue his relationship with his care providers. Jose's advocacy made a life-changing impact on the client's life.

It was a great pleasure to work with Jose this summer, and we are very grateful that Equal Justice America could support his work.

Sincerely,



Madeline Howard and Phil Morgan
Staff Attorneys