

Representing Tenants in Unlawful Detainer Actions in San Francisco 2017

San Francisco, Live Webcast and www.pli.edu, * January 27, 2017

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, or your local legal services agency, 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.

Program Schedule

9:00

Program Overview and Introductions

Carolyn Gold

9:15

Types of Housing; Rent Ordinance and Defenses to Eviction

- 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

Thomas E. Drohan, Carolyn Gold, Cathy Mosbrucker, Prof. Ora Prochovnick

10:15

Overview of an Unlawful Detainer Case

- Defenses to eviction (cont'd)
- Nuisance
 - factual defense
 - reasonable accommodation/hoarding
 - waiver
 - retaliation/discrimination
 - dominant motive
- Other Grounds for Eviction
 - factual defense

- illegal purpose
- no fault
- relocation
- ❖ 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
 - 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

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11:15

Networking Break

11:30

Settlement and Trial in Unlawful Detainer Cases

- 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 Limines
 - Trial resources
 - Monday morning
 - Order of trial

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12:30
Adjourn

Faculty

Chairperson

Carolyn Gold

Supervising Attorney

Justice & Diversity Center of The Bar Association of San Francisco

San Francisco, California

Thomas E. Drohan

Staff Attorney

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Cathy Mosbrucker

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Program Attorney: Christina Thompson