

**SUMMARY OF SCOPE**  
**CITY OF SAN JOSÉ REQUEST FOR PROPOSALS FOR**  
**EVICITION COURT INTERVENTIONS AND RIGHT TO COUNCIL**

**Introduction and Overview**

The City of San José Housing Department is seeking a consultant to evaluate the feasibility and costs/benefits of eviction court interventions, such as housing collaborative court models, establishing a Right to Counsel, or alternative intervention programs to achieve similar goals, for tenants facing eviction proceedings in San José and Santa Clara County.

**Background**

The COVID-19 pandemic and the continued increase in rental housing costs have resulted in an increase in tenant evictions in Santa Clara County that exceed pre-pandemic levels<sup>1</sup>. Evictions are a major contributor to displacement of families from their homes, and to subsequent difficulties in accessing safe, affordable housing. Studies have found that residential displacement significantly hurts residents’ health and educational outcomes for children. The findings also show that when lower-income residents are displaced from their homes, they have a hard time finding reasonably-priced, safe homes in their community.

**Housing Element Goals and Strategies**

State law requires that every city and county in California adopt a Housing Element as part of its General Plan. The Housing Element ensures that local governments meet the housing needs of all people within the community. This plan includes strategies to reduce barriers to housing development, minimize housing development costs, facilitate development of balanced communities, reduce greenhouse gas emissions, and improve neighborhoods - especially those with racial concentrations and high rates of poverty (see [Chapter 3: Housing Goals and Strategies](#)).

Goal #3 aspires to provide “Housing stability and opportunities to build wealth for all residents.” Strategies to achieve this goal focus on providing households with stability and the foundation for a better life. One of the strategies intended to address this goal is the consideration of a Right to Council or Alternative Program. Examples of alternative programs go by many names: eviction diversion programs, eviction prevention initiatives, early resolution programs, and access to counsel programs. With a more holistic approach, components to these programs may include rental assistance, social services, mediation services, and legal consultation or legal representation services.

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<sup>1</sup> <https://calmatters.org/housing/homelessness/2023/11/california-evictions-post-pandemic/>

## Right to Counsel or Alternative Program

Strategy #S-28 on page 3-46 of the City's Housing Element directs staff develop a proposal for a Right to Counsel and/or an alternative housing collaborative court program proposal for the San José City Council's consideration. Specific high-level tasks associated with this strategy are listed below.

1. Issue a Request for Proposals and work with selected consultant to study costs and benefits of a right to counsel program and other court intervention alternatives;
2. Identify necessary legal, financial and other resources, cost estimate, and potential funding sources;
3. Seek City Council approval of the program;
4. Additionally, explore potential regional partnerships for a regional Right to Counsel study and implementation as an alternative;
5. Coordinate program design with community-based organizations, especially those who serve historically redlined communities.
6. Coordinate public outreach and education with community-based organizations.
7. Integrate persons with lived experience into program oversight and implementation.

## Scope of Work Summary

The City seeks an experienced consultant to evaluate the feasibility of a Right to Counsel program as well as other alternatives that meet similar objectives in preventing evictions. High-level tasks identified for completion by the selected consultant are listed below.

### **1. Review Existing Systems and Studies**

- Consult with City to Identify stakeholders.
- Review and incorporate information from effective eviction prevention systems in California and in jurisdictions in other states. Examples include:
  - [Cook County, IL – Early Resolution Program](#)
  - [Chattanooga \(Hamilton County\), TN – Eviction Prevention Initiative](#)
  - [Fort Wayne, IN – Eviction Intervention Program](#)
  - [Cleveland, OH – Right to Counsel](#)
  - [Los Angeles, CA – Right to Counsel](#)
  - [San Francisco, CA – Tenant Right to Counsel](#)
  - [New York, NY – Right to Counsel](#)

- Review and incorporate information from analysis and information gathered by organizations that study eviction intervention programs. Examples include:
  - [Eviction Innovation](#)
  - [Eviction Lab](#)
  - [National Center for State Courts - Eviction Diversion Diagnostic Tool](#)
  - [American Bar Association and Harvard Negotiation & Mediation Clinical Program](#)
  - [Urban Institute Report on Diversion Programs](#)
- Interview stakeholders in and/or serving San José and Santa Clara County (end users, nonprofit service providers, property owners, attorneys, mediators, courts) to understand the local system and core issues / root causes.
- Identify and describe existing local eviction prevention resources and systems.
- Identify root causes of housing instability and evictions in our market.
- Identify objectives, roles, and outcomes for each part of the local eviction prevention system.
- Quantify the size and scope of evictions in San José and identify historical trends.
- Identify gaps and deficiencies in the current system.

## **2. Measure/assess Impacts of Evictions**

- Measure the socio-economic impacts of evictions on the County and the City of San José.
  - County court system
  - Homelessness
  - Local Economy
  - Other
- Analyze what resources our market has and lacks through a SWOT analysis or similar exercise.
- Evaluate the economic impact of evictions on tenants, property owners, and the housing market.

## **3. Identify Potential Means to Address System Deficiencies**

- Review and assess best practices from other jurisdictions
  - Identify pros and cons of each option
  - Identify feasibility of each option
- Analyze cost, feasibility, and outcomes of options on the following
  - Court system
  - Other systems impacted by evictions

- Property owners and the rental housing market
- Note: Cost analysis should include evaluation of needed resources (draw from [BAHFA study – assessing capacity of legal aid in Bay Area](#))
- Identify potential means/sources for funding the recommended program.
- Assess the financial impact on taxpayers, tenants, and property owners.
- Provide summary and recommendations for the City of San José.

#### 4. Deliver Final Products

- Summarize findings and prepare a written study for review by City staff.
- Assist with presentation of the final report to City Council.

### Consultant Qualifications

The consultant selected through this Request for Proposals will possess a combination of the experience and qualifications listed below.

- Experience in public or nonprofit program evaluation and program feasibility assessment
- Experience in quantitative and qualitative data analysis
- Experience with cost/benefit studies on Right to Counsel or other court-based eviction intervention systems
- Familiarity with court systems, eviction prevention systems, unlawful detainer law, and homelessness prevention systems
- Experience conducting outreach interviews with a variety of types of stakeholders concerning a spectrum of socio-economic issues, including issues of or related to access to justice and the needs of low-income individuals and at-risk communities.
- Experience authoring reports that are comprehensive yet clearly written and easy for the public to understand.
- Experience assessing the impacts of rent stabilization and other tenant protection and eviction prevention programs and their impacts on the housing market and property owners.

#### Additional Desirable Qualifications

In addition to meeting the mandatory requirements, additional desirable qualifications are listed below.

- Track record conducting program evaluations in major metro areas, preferably in CA
- Experience with court-based eviction interventions in areas with separate county/city systems
- Familiarity with CA unlawful detainer laws.

**Project Timeline (Revised: December 11, 2024)**

The estimated timeline\* for the project is listed below.

<b>EVENT</b>	<b>DATE</b>
Post high-level Request for Proposals (RFP) Scope Summary for stakeholder input	<b>Dec 5, 2023</b>
<b>Public comment period on consultant RFP Scope Summary</b>	<del>Dec 5 – Dec 13, 2023</del> <b>Jan 11, 2024</b>
Public meeting on RFP Scope Summary to gather stakeholder comments	<del>Dec 11, 2023</del> <b>Jan 10, 2024</b> <b>@5pm</b>
Stakeholder meetings for input, by request	<del>Dec 5 – Dec 13, 2023</del> <b>Jan 11, 2024</b>
Close comment period on RFP Scope Summary	<del>Dec 13, 2023</del> <b>Jan 11, 2024</b>
<b>Issue RFP</b>	<del>Late Dec / Early Jan</del> <b>Late Jan, 2024</b>
Pre-Proposal Conference	<del>Jan</del> <b>Feb 2024</b>
Proposal Due Date	<del>Late Feb</del> <b>Early Mar 2024</b>
Evaluation of proposals	<b>Feb/Late Mar 2024</b>
Selected consultant notification	<del>Mar</del> <b>Apr 2024</b>
<b>Publish preliminary award recommendations</b>	<del>Mar</del> <b>Apr 2024</b>
Award appeal period (10 days)	<del>End Mar/Early Apr</del> <b>May 2024</b>
City Council approval of award (est.)	May 2024
Notice to Proceed issued for July 1 start date	June 2024

***\*All dates are tentative and subject to change.***

All questions regarding this project should be submitted via email to [HSG-Policy@sanjoseca.gov](mailto:HSG-Policy@sanjoseca.gov)