



Memorandum

TO: MAYOR LICCARDO
SUBJECT: BUDGET DOCUMENT

FROM: Councilmember David Cohen
DATE: 5/26/2021

Approved 

Date: 5/26/2021

RECOMMENDATION

That the following recommendation be enacted.

Proposal

Program/Project Title: Study of Right to Legal Counsel in San José

Amount of City Funding Required: \$100,000

Fund Type: General Fund

This change is:

One-time Ongoing

Cost Estimate Number (if applicable): 51

Proposal Description, including the reason for the need and anticipated outcomes (Please describe how the proposal will affect services for San José residents, community groups, businesses, etc.):

This proposal would provide funding for a study on the potential outcomes, benefits, challenges, and costs of implementing a right to legal counsel for San José residents facing eviction. The study would review other city programs, outline policy and program guidelines, and analyze legal parameters for a right to legal counsel in San José.

Several other municipalities, including Philadelphia, New York City, and San Francisco, have implemented such a right, while states like Washington and Maryland have enacted or passed similar legislation at the state level. Overwhelmingly, these jurisdictions have found that a right to counsel helped keep residents facing eviction in their homes (from 86% in New York City to 93% in Cleveland); this helped preserve affordable housing, maintain neighborhood stability, and reduce the rate of homelessness. And while there were substantial costs associated with implementing right to counsel, these jurisdictions have found that the

costs are more than offset by projected savings in service costs; a study by the Philadelphia Bar Association showed that the city's right to counsel law would cost \$3.5 million to implement but would save the city \$45 million in the long run.

San José today faces serious challenges-- the threat of displacement, the loss of affordable housing, and the increasing rate of homelessness, problems most keenly felt by our low-income families, but which hamper the progress and prosperity of our entire City. Thus, it is certainly worth exploring the viability of a right to legal counsel in San José given its success in keeping low-income residents housed and preserving affordable housing in other cities. A study would help us understand the potential benefits and challenges of implementing such a law, shed light on the costs and savings it might entail, and ultimately help determine whether a right to legal counsel is the right way forward for San José.

Funding Source

Essential Services Reserve: \$100,000

Other (Please specify program/project/fund):

Department or Organization Contact

Please list the contact information for the individual that certified cost estimates contained within your recommendation:

Name and Title: Rachel VanderVeen, Deputy Director

Department or Organization: Department of Housing

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