

**FAMILY  
CONSUMER LAW  
CASE ACCEPTANCE GUIDELINES  
2011**

**I. Threshold Eligibility Issues For Opening an Advice and Counsel Case**

- a. Caller or caller's child/ren is/are domestic violence survivor/s
- b. Caller meets all eligibility criteria (including analysis of lack of control over resources for DV exception)

**II. Compelling Factors to consider in determining if advice and counsel client may be scheduled**

On a case-by-case basis, the advocate will weigh the following compelling factors and use his/her best judgment to determine if the client should be scheduled. The client need not have all factors, but may have a combination of one or more factors.

- a. Limited English proficiency client who will not be able to avail him/herself of the court system because of limited English
- b. Client has child/ren
- c. Client has obtained a restraining order after hearing or there are other indications that client is unlikely to reconcile with abuser
- d. Abuser is directly responsible for client's consumer law issues
- e. Client is in school
- f. Resolution of consumer law issue requires negotiation or advocacy, rather than litigation, or there is no available statutory attorney's fees provision
- g. Client has a low-recovery consumer law case unlikely to be accepted on contingency by a private attorney
- h. Recovery for consumer law case is unlikely to meet the amount in controversy threshold for limited civil court jurisdiction (small claims court case)

**III. Other issues to consider prior to scheduling**

These issues are not part of the "compelling factors" analysis. These issues may none the less make a compelling case, more or less schedulable.

- a. Veracity of client
- b. Merits of case
- c. Overly litigious client – multiplicity of motions
- d. Prior counsel
- e. Any sanctions against client
- f. Insufficient time to assist
- g. Representation may significantly impact clients case with minimal efforts by advocate
- h. Client's expectations – relief sought is or is not appropriate and reasonable under circumstances
- i. Client's ability to prioritize consumer law issues and assist with case

<b>SERVICE</b>	<b>Oakland</b>	<b>San Francisco</b>	<b>San Mateo</b>	<b>Santa Clara</b>	<b>Contra Costa</b>	<b>Marin</b>	<b>Napa</b>
<b>Place credit report freeze with consumer reporting agencies following identity theft</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Dispute ChexSystems/credit report/investigative report inaccuracies</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Litigate ChexSystems/credit report/investigative report inaccuracies</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Defend debt collection lawsuits</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Negotiate debt repayment</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Negotiate release of tax collection levies</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Issue cease and desist and <i>Czap</i> letters against aggressive debt collectors</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Litigate violations of the Federal Debt Collection Practices Act</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Assist self-represented litigants in consumer law small claims court cases</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Provide foreclosure mitigation assistance (loan modification document preparation)</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Represent clients in Chapter 7 bankruptcy filings</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Represent clients in Chapter 13 bankruptcy filings</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Affirmatively litigate cases against predatory cash lenders (payday lenders)</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Negotiate utility shut off and turn on issues (outstanding bills/deposit requirements)</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Litigate unconscionable consumer contracts</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Litigate consumer contracts written in English if negotiated in a foreign language</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Litigate unfair business</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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<b>practices in consumer contracts</b>							
<b>Set aside and negotiate dismissal of unlawful detainer judgments for judgment-proof clients</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Expunge criminal records</b>	No	No	No	No	No	No	No

# FAMILY

## DOMESTIC RELATIONS UNIT CASE ACCEPTANCE GUIDELINES 2010

### I. Threshold Eligibility Issues For Opening an Advice and Counsel Case

- a. Caller or caller's child/ren is/are domestic violence or sexual assault survivor/s
  - i. Exceptions
    - 1. VLSP cases should be opened and scheduled on VLSP calendar despite lack of DV
    - 2. Same sex cases in SF and AL should be referred to Jerel and Alana if there is no DV
- b. Caller meets all eligibility criteria (including analysis of OPs financial condition for DV excn and/or fee generating issue)

### II. Compelling Factors to consider in determining if advice and counsel client may be scheduled

On a case-by-case basis, the advocate will weigh the following compelling factors and use his/her best judgment to determine if the client should be scheduled. The client need not have all factors, but may have a combination of one or more factors.

- a. Recent (within 2-3 months) escalation of violence or renewed fear of harm
- b. Limited English client who will not be able to avail him/herself of the court system because of limited English
- c. Mental or physical disability that obviously limits access to court system
- d. Child/ren with disabilities and caring for child/ren has a severe impact on custodial parent
- e. Teenager no older than 19 years of age
- f. Low literacy
- g. Severe violence which may be a single severe physical injury, multiple incidents, use of a weapon, or threats of death or suicide
- h. Severe isolation
- i. Kidnapping of client or child/ren
- j. Interstate custody issues prompted by client fleeing domestic violence
- k. Same sex cases
- l. CPS involved in case but no current dependency case opened
- m. Sexual assault or stranger rape

### III. Other issues to consider prior to scheduling

These issues are not part of the "compelling factors" analysis. These issues may none the less make a compelling case, more or less schedulable.

- a. Veracity of client
- b. Merits of case
- c. Overly litigious client – multiplicity of motions
- d. Prior counsel
- e. Any sanctions against client

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- f. Insufficient time to assist
- g. Representation may significantly impact clients case with minimal efforts by advocate
- h. Client's expectations – relief sought is or is not appropriate and reasonable under circumstances

## FAMILY

SERVICE	Oakland	San Francisco	San Mateo	Santa Clara	Contra Costa	Marin	Napa
<b>Contested Divorce</b> (Including: div defense, Pre-Decree relief and any other div hearing)	Yes	Yes	Yes	Yes	Yes	No	No
<b>Uncontested Divorce</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Paternity Custody Only</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Assistance to Self-Represented Litigants to Prepare TRO Requests (refer to clinics)</b>	No	No	No	No	No	No	No
<b>TRO Hearing representation, including modification of restraining orders</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Civil Injunction Against Harassment (sexual assault only)</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Child Abduction</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Child Support+ (establish, modify or enforce)</b>	No	No	No	No	No	No	No
<b>Modification or Enforcement of Custody/ Visitation in Divorce Decree or Paternity Judgment</b>  <i>Including Move Away</i>	Yes	Yes	Yes	Yes	Yes	No	No
<b>CPS/Juvenile Dependency Cases</b>	No	No	No	No	No	No	No
<b>Guardianship of Minor</b>	No	No	No	No	No	No	No
<b>Foster Parent Problems</b>	No	No	No	No	No	No	No
<b>Conservatorship</b>	No	No	No	No	No	No	No
<b>Adoption</b>	No	No	No	No	No	No	No
<b>Powers of Attorney</b>	No	No	No	No	No	No	No
<b>Advanced Health Care Directives</b> (formerly called Living Wills)	No	No	No	No	No	No	No
<b>Wills / Estate Planning</b>	No	No	No	No	No	No	No

## FAMILY

SERVICE	Oakland	San Francisco	San Mateo	Santa Clara	Contra Costa	Marin	Napa
Elder Abuse	No	No	No	No	No	No	No
VAWA	Yes*	Yes*	Yes*	Yes*	Yes*	Yes**	Yes**
U Visa	Yes*	Yes*	Yes*	Yes*	Yes*	Yes**	Yes**
I-751	Yes*	Yes*	Yes*	Yes*	Yes*	Yes**	Yes**
Safety Planning/Crisis	No	No	No	No	No	No	No
Name Changes	Yes+	Yes+	Yes+	Yes+	Yes+	No	No
Social Security Number Changes	Yes+	Yes+	Yes+	Yes+	Yes+	No	No

**\*Immigration cases fall into two categories. First, if the client has a current or prior BayLegal case in any area of law (excluding solely an advice and counsel LAL case) then the client may be scheduled in a local office family law appointment slot. If the client does not have a current or prior BayLegal case or only has an LAL advice and counsel only case, then the client may be scheduled on an Immigration Only calendar for possible pro bono placement.**

**\*\*Schedule only in Immigration Only calendar**

**+These issues may be dealt with as part of the primary case, but should not be scheduled if sole issue**



## HOUSING CASE ACCEPTANCE GUIDELINES

August 2010

### I. General Considerations Applying to All Cases Considered for Full Representation

A. The regional office will weigh the following factors in determining whether to accept a case:

1. The legal and factual merits, including the client's credibility and whether there is a good faith basis to seek extension, modification, or reversal of existing law which is unfavorable to the client's position. Non-meritorious cases will not be considered for representation;
2. The existing caseload of the advocate and, where transfer of the case to another program advocate is an option, the caseloads of other advocates taking cases in the substantive area;
3. The availability of alternative assistance or representation for the client;
4. The willingness of the client to cooperate with the advocate;
5. The difficulty of preparing the case given the program's resources;
6. The effect on the client if the program does not assist or represent the client;
7. The ability of the client to represent him/herself;
8. The affect on the client community of a decision to, or not to, assist or represent the client, including the possibility of systemic relief;
9. Abusive or egregious conduct by the landlord, such as retaliatory eviction or severely dilapidated conditions, particularly if the abuse affects other tenants;

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10. The effect of an eviction given governing rent control ordinances; or

11. Any other program or policy reasons for accepting or declining a case.

B. Where possible, the decision to accept a case for representation will be made at a case review meeting.

**II. Prerequisites for Case Acceptance (See also, Protocols for Assistance Short of Full Representation, adopted 11/27/06)**

A. The Client has a meritorious case; and

B. The Client wants to preserve his or her housing or housing benefit, or has a case involving important housing rights whose resolution will affect more than just the client.

C. In cases involving an unlawful detainer, the Client must have all of the back rent due and must be willing to pay this sum, and any rent due during the pendency of the action, into the BayLegal trust account. (This requirement may be waived only in extraordinary circumstances with the approval of the advocate’s supervising attorney.)

**III. Program-Wide Housing Priorities:**

A. **Preserving Affordable Housing** by prioritizing cases involving

1. Public and Subsidized (including tax credit) Housing
2. Mobile Home Housing
3. Rent-Controlled Housing
4. In general, cases involving saving an existing tenancy or benefit will have precedence over cases involving other issues

B. **Fighting Housing Discrimination**

**IV. Case Acceptance Guidelines (When an Appointment for Possible Full Representation Can be Made)**

A. **Conventional Public Housing**

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<b>PUBLIC HOUSING</b>	<b>Alameda:</b>	<b>Santa Clara</b>	<b>Contra Costa</b>	<b>San Francisco</b>
<b>EVICCTIONS: NOTICE ONLY</b>	<b>YES</b> – office wants to monitor PHA grievance procedures in AC County	<b>NO</b> (unless Fair Hsg; protocols to be established) 1. Advise clients to pay rent and/or take other appropriate action (e.g., file grievance). 2. STEALTH if client may not be able to implement the advice given because of disability or LEP *CCC - yes *SF – Yes schedule even where incurable nuisance		
<b>EVICCTIONS: COURT PAPERS RECEIVED &amp; NO DEFAULT ENTERED</b>	<b>YES – Make Appointment</b>			<b>NO: ALTERNATIVE RESOURCES AVAILABLE;</b> Refer to EDC
<b>DEFAULT EVICTION: STAYS OF EXECUTION</b>	<b>YES–Make Appointment</b>	<b>NO. Make appt for <u>BRIEF SERVICE</u> only (Stays of Execution)</b> 1. Resources permitting, office may consider pro per Motion to Vacate Default 2. Resources permitting, office may consider representing in a meritorious case *CCC – yes		<b>NO: ALTERNATIVE RESOURCES AVAILABLE;</b> Refer to EDC
<b>DEFAULT EVICTION: MOTION TO SET ASIDE</b>	<b>*YES – Appointment ONLY for Stay of Execution</b> 1. Local office will assess merit of Motion to Set Aside 2. If client unwilling to get a stay – refer to other agencies	<b>NO. Make appt for <u>BRIEF SERVICE</u> only (Stays of Execution)</b> 1. Resources permitting, office may consider pro per Motion to Vacate Default 2. Resources permitting, office may consider representing in a meritorious case *CCC – in possession and 7+ days b4 stay expires; underlying meritorious case; LEP or Disabled or misled by LL which caused default; if out of possession then compelling fact (severe disability and valid underlying case)		<b>NO, not even for brief service: ALTERNATIVE RESOURCES AVAILABLE;</b> Refer to HAP and Access Center; JFK clinic 510.647.2060

	Alameda:	Santa Clara	Contra Costa	San Francisco
<b>DEFAULT EVICTION: MOTION FOR RELIEF FROM FORFEITURE</b>	<p><b>*YES – Appointment ONLY for Stay of Execution</b></p> <p>1. Local office will assess merit of Motion for Relief from Forfeiture</p> <p>2. If client unwilling to get a stay – refer to other agencies</p>	<p><b>NO. Make appt for BRIEF SERVICE only (Stays of Execution)</b></p> <p>1. Resources permitting, office may consider pro per Motion to Vacate Default and/or Motion for Relief from Forfeiture</p> <p>2. Resources permitting, office may consider representing in a meritorious case</p> <p>*CCC - yes</p>		<p><b>NO, not even for brief service: ALTERNATIVE RESOURCES AVAILABLE;</b></p> <p>Refer to HAP; JFK clinic 510.647.2060</p>
<b>DEFAULT EVICTION: AFTER STIPULATION</b>	<p><b>NO</b> (Treat like any other default eviction, e.g., refer for stay of execution only)</p> <p><b>UNLESS <u>BayLegal</u> negotiated the stipulation, in which case, Make appointment</b></p>			
<b>ONE STRIKE CASES</b>	<p><b>YES. Make appointment</b></p>			
<b>PUBLIC HOUSING NOTICES/GRIEVANCE NOT INVOLVING EVICTION</b>	<p><b>YES. Make appt if issue involves:</b></p> <p>1. transfer for safety reasons (e.g., DV; tenant-on-tenant victimization; crime and drugs by other tenants), or</p> <p>2. or reasonable accommodation for tenant with disabilities</p> <p>Note: other issues may be STEALTHED</p> <p>*SF – any rent related public housing issue should be referred to 415-354-6353 (baylegal SF public housing hotline)</p>			

**B. Subsidized Housing (including Tax Credit Properties):**

<b>SUBSIDIZED HOUSING</b>	Alameda	Santa Clara	Contra Costa	San Francisco
<b>EVICTIONS: NOTICE ONLY</b>	<p><b>YES–</b> But only if <u>pre- eviction grievance procedure</u> specified in Notice of Termination <b>OR</b> if Reasonable Accommodation Issue Present -</p> <p><b>No Tax Credit cases at this stage</b></p>	<p><b>NO</b> (unless Fair Hsg; protocols to be established)</p> <p>1. Advise client to pay rent or take other appropriate action (e.g., request grievance, informal meeting, or informal hearing)</p> <p>2. STEALTH if client may not be able to implement the advice given because of disability or LEP</p> <p>*CCC – yes</p> <p>SF - yes</p>		

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<b>EVICTIONS: COURT PAPERS RECEIVED</b>	<b>YES. Make appointment</b>		<b>NO</b> ALTERNATIVE RESOURCES AVAILABLE. Refer to EDC
<b>DEFAULT EVICTION: STAYS OF EXECUTION</b>	<b>YES –Make Appointment</b>	<b>NO. Make appt for BRIEF SERVICE only (Stays of Execution)</b> 1. Resources permitting, office may consider pro per Motion to Vacate Default 2. Resources permitting, office may consider representing in a meritorious case *CCC – yes	<b>NO: ALTERNATIVE RESOURCES AVAILABLE;</b> Refer to EDC
<b>DEFAULT EVICTION: MOTION TO SET ASIDE</b>	<b>YES – Appointment ONLY for Stay of Execution</b> 1. Local office will assess for merit of Motion to Set Aside 2. If client unwilling to get a stay – refer to other agencies	<b>NO. Make appt for BRIEF SERVICE only (Stays of Execution)</b> 1. Resources permitting, office may consider pro per Motion to Vacate Default 2. Resources permitting, office may consider representing in a meritorious case *CCC – in possession and 7+ days b4 stay expires; underlying meritorious case; LEP or Disabled or misled by LL which caused default; if out of possession then compelling fact (severe disability and valid underlying case)	<b>NO, not even for brief service: ALTERNATIVE RESOURCES AVAILABLE</b> Refer to HAP and Access Center; ok to refer to JFK clinic 510.647.2060
<b>DEFAULT EVICTION: MOTION FOR RELIEF FROM FORFEITURE</b>	<b>YES – Appointment ONLY for Stay of Execution</b> 1. Local office will assess for merit of Motion for Relief from Forfeiture 2. If client unwilling to get a stay – refer to other agencies	<b>NO. Make appt for BRIEF SERVICE only (Stays of Execution)</b> 1. Resources permitting, office may consider pro per Motion to Vacate Default and/or Motion for Relief from Forfeiture 2. Resources permitting, office may consider representing in a meritorious case *CCC – yes	<b>NO, not even for brief service: ALTERNATIVE RESOURCES AVAILABLE;</b> Refer to HAP; JFK clinic 510.647.2060
<b>DEFAULT EVICTION: AFTER STIPULATION</b>	<b>NO</b> (Treat like any other default eviction, e.g., refer for stay of execution only) <b>UNLESS <u>BayLegal</u> negotiated the stipulation, in which case, Make appointment</b>		
<b>DISPUTES OVER DAMAGES:</b>	<b>NO, UNLESS ISSUE ENDANGERS SUBSIDY</b>		

	Alameda:	Santa Clara	Contra Costa	San Francisco
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TERMINATION OR NOTICE OF TERMINATION*	YES. Make appointment		
WRIT APPEAL OF VOUCHER TERMINATION	YES. Make appt if less than 60 days after date of the termination decision [Note 60 days allows review of decision before 90 day statute of limitation runs] STEALTH if more than 60 days after date of termination decision		
CHANGE IN RENT DUE TO CHANGE IN INCOME	<p>YES – Schedule ONLY if ALL of the following apply:</p> <ol style="list-style-type: none"> <li>1. cl has received a written notice of rent increase from PHA</li> <li>2. rent increase is substantial (e.g. 10% or more)</li> <li>3. CI has requested an informal hearing yet has not obtained resolution of issue</li> </ol> <p><b>For all other cases:</b> advise of appropriate remedies (e.g., grievance, informal meeting, informal hearing), and STEALTH if client may not be able to implement the advice given because of disability or LEP</p>	<p>YES. Make appt if rent increase is substantial (e.g., 10% or more) If increase is not substantial, advise of appropriate remedies (e.g., grievance, informal meeting, informal hearing), and STEALTH if client may not be able to implement the advice given because of disability or LEP or the rent increase seems otherwise fishy</p>	
ONE STRIKE CASES	YES. Make appointment		
PRESERVATION OF PROJECT-BASED SUBSIDIZED HOUSING	YES. Make appointment		

	<b>Alameda:</b>	<b>Santa Clara</b>	<b>Contra Costa</b>	<b>San Francisco</b>
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**C. Evictions from Private Housing:**

<b>PRIVATE HOUSING:</b>	<b>Alameda:</b>	<b>Santa Clara</b>	<b>Contra Costa</b>	<b>San Francisco</b>
<b>PRIORITIES</b>	<b>1. Housing Discrimination</b> <b>2. Mobile Homes</b> <b>3. Rent Controlled Housing</b>			
<b>EVICTIONS: NOTICE ONLY:</b>	<b>Generally NO</b> , Unless eviction is related to Disability/ Reasonable Accommodation Issue	<b>Generally NO</b> , unless: 1. Meritorious housing discrimination claim, particularly involving a disabled tenant [protocols for determining merit to be developed. We will need to sharpen criteria to avoid these cases taking an inordinate percentage of appointments 2. Mobile Home eviction		
<b>EVICTIONS: COURT PAPERS RECEIVED</b>	<b>NO, UNLESS South or East Alameda County</b> Case AND one or more of the following factors are present: <b>Disabled, LEP, or DV related</b> -ALTERNATIVE RESOURCES AVAILABLE. Refer to EDC, EBCLC	<b>NO, UNLESS Fair Housing defense available</b>  Pro per assistance available	<b>NO, UNLESS Richmond resident OR non-Richmond resident who is LEP or disabled</b> *CCC Courthouse Clinic	<b>NO, not even for brief service: ALTERNATIVE RESOURCES AVAILABLE</b> Refer to EDC
<b>PVT HSG DEFAULT EVICTION</b>	<b>NO.</b> Brief service (stays of execution) or stay packet only *CCC has stay, set aside and relief from forfeiture packets *AL has stay and set aside packets			<b>NO, not even for brief service: ALTERNATIVE RESOURCES AVAILABLE</b> Refer to EDC for stays
<b>PVT HSG DEFAULT EVICTION: MOTION TO SET ASIDE</b>	<b>NO. -Pro per stay and set aside packets only</b> – client can pick up at Local Office	<b>NO. Make appt for BRIEF SERVICE only (Stays of Execution)</b> 1. Resources permitting, office may consider pro per Motion to Vacate Default 2. Resources permitting, office may consider representing in a meritorious case *CCC – in possession and 7+ days b4 stay expires; underlying meritorious case; Disabled or senior or misled by LL which caused default		<b>NO, not even for brief service: ALTERNATIVE RESOURCES AVAILABLE</b> Refer to HAP and Access Center for Motions to Vacate/MSAs ok to refer to JFK clinic 510.647.2060

	Alameda:	Santa Clara	Contra Costa	San Francisco
PVT HSG DEFAULT EVICTION: AFTER STIPULATION	NO (Treat like any other default eviction, e.g., refer for stay of execution only) <b>UNLESS <u>BayLegal</u> negotiated the stipulation, in which case, Make appointment</b>			
PRIVATE HSG DISCRIMINATION	YES. Make appointment if [criteria to be determined]			
TRANSITIONAL HSG & SHELTER EVICTIONS	YES. Make appointment			
MOBILE HOME EVICTIONS	YES. Make appointment *AL and CCC – if owner is being evicted then it's a priority; if tenant being evicted then treat as pvt hsg eviction			

**D. Non-Eviction or Termination Cases in which Extended Representation Can be Considered (In general, cases not involving an immediate threat to tenancy, loss of subsidized housing, or housing discrimination have a lower priority)**

	Alameda:	Santa Clara	Contra Costa	San Francisco
SECURITY DEPOSITS	NO. Mail brochure and/or refer to small claims court unless the issue is intertwined with inability to use sec. 8 voucher in another unit or endangers continued occupancy of public/subsidized housing			
DISPUTES OVER DAMAGES	NO, unless the issue is intertwined with inability to use sec. 8 voucher in another unit or endangers continued occupancy of public/subsidized housing			
REPAIRS/HEALTH & SAFETY	NO. Develop community education packet/refer to Small Claims Court & Code Inspector, etc. STEALTH to offices if facts warrant			
ILLEGAL LOCKOUTS/UTILITY SHUT-OFFS	NO. – but STEALTH to Attorney of the Week if: 1. Case is not resolved at LAL 2. Eviction or Utility Shut-off is imminent (written notice), or 3. Eviction or Utility Shut-off occurred w/in 7 days Otherwise, refer to bar association or pvt attorney	YES. Make emergency appointment if: 1. Case is not resolved at LAL 2. Eviction or Utility Shut-off is imminent, or 3. Eviction or Utility Shut-off occurred w/in 7 days Otherwise, refer to bar association or private attorney  *SF – First email or call JE if you need an emergency appt; if JE not available call ACE or PM; If available you can also schedule on tues pm calendar or stealth but email first. *CCC – stealth		

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<b>BREAKING LEASES EARLY</b>	<b>NO</b> Note: if the reason for breaking the lease is related to housing discrimination or habitability, <b>STEALTH</b> if the facts warrant		
<b>LATE FEES</b>	<b>NO</b>		
<b>FAIR HOUSING/HSG DISCRIMINATION</b>	<b>YES</b> , although priorities (e.g., mental health disability) will have to be developed		
<b>DECREASE IN SERVICES, e.g., Rent Control Board Petition or Appeal for Rent Reduction</b>	<b>Oakland only. YES</b> , if priority 1 or 2 health and safety violations (see rent board list), verbal notice given to LL ,and inadequate response. Only private hsg. FC 105.	<b>NO. STEALTH IF WARRANTED</b> (e.g., multiple eligible clients affected, particularly notorious landlord, particularly egregious conditions)	
<b>MEDIATION AT RENT BOARD HEARING, e.g., rent increase (Initial Petition, Hrg, Appeal)</b>	<b>Oakland only. YES</b> , if cl received notice of increase in rent and increase is above CPI. If 1 notice, then only schedule if within 60 days of receipt of notice. If multiple notices, then schedule. Also schedule cases in which no RAP notice was issued to tenant If at appeal stage, schedule if client can be scheduled within 19 days of date of mailing of written decision. Date of mailing can be found on proof of service attached to written decision. Email hsg group as emergency case if 10+ days since date of mailing. Only private hsg. FC 105.	<b>NO. STEALTH IF WARRANTED</b> (e.g., multiple eligible clients affected, particularly notorious landlord, particularly egregious conditions)	
<b>MISCELLANEOUS PUBLIC OR SUBSIDIZED HOUSING ISSUES</b>			
<b>GRIEVANCE</b>	<b>YES.</b> Make appointment if client is a current PHA tenant (to be seen by law clerks or volunteers, if possible)		
<b>APPLICATION FOR TRANSFER</b>	<b>YES.</b> Make appointment if case involves safety or reasonable accommodation		
<b>DENIAL OF APPLICATION</b>	<b>YES.</b> Make appointment		
<b>RECERTIFICATION OF ELIGIBILITY OR CHANGE IN AMT OF</b>	<b>YES – Schedule ONLY if ALL of the following apply:</b>	<b>YES, IF</b> the issue involves reasonable accommodation or a significant rent increase. Otherwise, advice only <b>NOTE:</b> LAL to monitor situations where this comes up for 6 months and will make CAG	

	Alameda:	Santa Clara	Contra Costa	San Francisco
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<b>RENT SUBSIDY</b>	<p>1. cl has received a written notice of substantial rent increase from PHA as a result of recert.</p> <p>2. Cl has requested an informal hearing yet has not obtained resolution of issue</p> <p><b>For all other cases:</b> advise of appropriate remedies (e.g., grievance, informal meeting, informal hearing), and STEALTH if client may not be able to implement the advice given because of disability or LEP</p>	recommendation
<b>§8 ILLEGAL "SIDE RENT" ISSUES</b>	<b>YES.</b>	<b>YES.</b> Make appointment
<b>§8 BUILDING: LATE FEES</b>	<b>NO</b>	
<b>§8 BUILDING: NOTICES BY MANAGEMENT COMPANY</b>	<b>NO.</b> STEALTH if harassing or otherwise fishy	
<b>§8 RENT RE-DETERMINATION</b>	<p><b>YES, IF</b> the issue involves reasonable accommodation or a significant rent increase. Otherwise, advice only</p> <p>*SF – any rent related public housing issue should be referred to 415-354-6353 (Baylegal SF public housing hotline)</p> <p>*CCC – schedule if rent s/b decreased more than 10% b/c of decrease in income</p>	
<b>§8 APPLICATION DENIALS AND OTHER ADMISSION PROBLEMS</b>	<b>YES.</b> Make appointment	

**Note: Factors Justifying Regional Office Modifications of Program Case Acceptance Guidelines**

	<b>Alameda:</b>	<b>Santa Clara</b>	<b>Contra Costa</b>	<b>San Francisco</b>
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- 1. Availability of other legal resources**
- 2. Size of the county (e.g., office geographical priorities in larger counties) and number of jurisdictions covered (e.g., multiple housing authorities and courts)**
- 3. Type of housing in the county**



**PUBLIC BENEFITS CASE ACCEPTANCE GUIDELINES**  
**August 31, 2010**

**I. General Considerations Applying to All Cases Considered for Full Representation**

- A. The regional office will weigh the following factors in determining whether to accept a case:
1. The legal and factual merits, including the client's credibility and whether there is a good faith basis to seek extension, modification, or reversal of existing law which is unfavorable to the client's position. Non-meritorious cases will not be considered for representation;
  2. The existing caseload of the advocate and, where transfer of the case to another program advocate is an option, the caseloads of other advocates taking cases in the substantive area;
  3. The availability of alternative assistance or representation for the client;
  4. The willingness of the client to cooperate with the advocate;
  5. The difficulty of preparing the case given the program's resources;
  6. The effect on the client if the program does not assist or represent the client;
  7. The ability of the client to represent him/herself;

- 8. The affect on the client community of a decision to, or not to, assist or represent the client, including the possibility of systemic relief; or
- 9. Any other program or policy reasons for accepting or declining a case.

B. Where possible, the decision to accept a case for representation will be made at a case review meeting.

**II. Prerequisites for Case Acceptance (See also, Protocols for Assistance Short of Full Representation, adopted 11/27/06)**

- A. The Client has a meritorious case; and
- B. Timeliness of appeal < 90 days since notice

**III. Program-Wide Public Benefit Priorities:**

- A. Access to the benefits of the welfare-to-work and self-initiated programs, including job training and education, and support services.
- B. Access for limited English proficient recipients and applicants.
- C. Special needs of domestic violence survivors.

**IV. Case Acceptance Guidelines (When an Appointment for Possible Full Representation May Be Made)**

<b>BENEFIT/ SERVICE</b>	<b>OAKLAND</b>	<b>SF</b>	<b>CCC</b>	<b>SANTA CLARA</b>	<b>MARIN/ NAPA</b>
<i>CALWORKS</i>		Open to all CW related			

		issues; advocate at 170 Otis			
• Written Denial	Yes *if just delay advise to request hrg and go up chain	Yes	Yes	Yes	Yes
• Termination	Yes	Yes	Yes	Yes	Yes
• Reduction	Yes	Yes	Yes 15%&2 mos	Yes	Yes
<b>BENEFIT/SERVICE</b> <i>CALWORKS (cont.)</i>	<b>OAKLAND</b>	<b>SF</b>	<b>CCC</b>	<b>SANTA CLARA</b>	<b>MARIN/ NAPA</b>
• Overpayment	Yes *only if fraud investigation as evidenced by appointment ltr to meet with fraud investigation unit or crim chg pending	Yes	Yes \$5K+	Yes	Yes
• W2W (childcare, trans, books)	Yes	Yes	Yes	Yes	Yes
• Time on Aid	Yes	Yes	Yes	Yes	Yes
• Exemptions	Yes	Yes	Yes	Yes	Yes
• Failure to coop re CS	Yes	Yes	Yes	Yes	Yes
<i>GA/FS</i>					

• Written Denial	Yes *if just delay advise to request hrg and go up chain	Yes for LEP All others GAAP	Yes	Yes	Yes
• Termination	Yes	Yes for LEP All others GAAP	Yes	Yes	Yes
<b>BENEFIT/SERVICE</b> <i>GA/FA (cont.)</i>					
	<b>OAKLAND</b>	<b>SF</b>	<b>CCC</b>	<b>SANTA CLARA</b>	<b>MARIN/NAPA</b>
• Reduction	Yes *GA – yes *FS – if 15%+LEP, Disabled, DV	Yes for LEP All others GAAP	Yes 15%&2 mos	Yes	Yes
• Overpayment	Yes *only if fraud investigation as evidenced by appointment ltr to meet with fraud investigation unit or crim chg pending	Yes for LEP All others GAAP	Yes \$5K+	Yes \$5K+	Yes
<i>SSI/SSDI</i>					
• Denial of initial app due to disab	No unless CW to SSI	No unless rejected by 2 pvt attn; HAP for mentally disab	No unless rejected by 2 pvt attns	No	Yes will assess & assist with completing request for

					appeal
<ul style="list-style-type: none"> <li>Denial of initial app due to non-disab related reason</li> </ul>	Yes	Yes	Yes	Yes	Yes
<b>BENEFIT/SERVICE</b> <i>SSI/SSDI (cont.)</i>	<b>OAKLAND</b>	<b>SF</b>	<b>CCC</b>	<b>SANTA CLARA</b>	<b>MARIN/NAPA</b>
<ul style="list-style-type: none"> <li>Denial on request for recon for denial based on disab</li> </ul>	No unless rejected by 2 pvt attns or unable to contact pvt attns or CW to SSI	No unless rejected by 2 pvt attns or unable to contact pvt attns	No unless rejected by 2 pvt attns or unable to contact pvt attns	No unless rejected by 2 pvt attns or unable to contact pvt attns	No unless rejected by 2 pvt attns or unable to contact pvt attns
<ul style="list-style-type: none"> <li>Overpayment</li> </ul>	No Pro per pkt	No Pro per pkt	No Pro per pkt	No Pro per pkt	Yes \$5K+ \$2K+ for LEP
<ul style="list-style-type: none"> <li>Termination due to CDR or age 18 redeterm.</li> </ul>	Yes after denial of recon	Yes after denial of recon or HAP	Yes after denial of recon	Yes after denial of recon	Yes after denial of recon
<ul style="list-style-type: none"> <li>Termination or suspension other reason</li> </ul>	Yes	Yes	Yes	Yes	Yes
<ul style="list-style-type: none"> <li>Appeal from ALJ decision</li> </ul>	Yes	Yes	Yes	Yes	Yes
<ul style="list-style-type: none"> <li>Denial or Termination of survivor benefits</li> </ul>	Yes	Yes	Yes	Yes	Yes

<i>MEDI-CAL</i>					
• Denial or reduction	Yes	Yes	Yes	Yes	Yes
• Long-term care planning	No refer LAS	No refer CANHR / LAE	No refer CANHR / SLS	No refer CANHR/ SALA	No refer CANHR
• Nursing home care	No refer LAS	No refer CANHR / LAE	No refer CANHR / SLS	No refer CANHR/ SALA	No refer CANHR
<i>COUNTY HEALTH</i>	Yes	Yes	Yes	Yes	Yes
<b>BENEFIT/SERVICE</b>	<b>OAKLAND</b>	<b>SF</b>	<b>CCC</b>	<b>SANTA CLARA</b>	<b>MARIN/ NAPA</b>
<i>IHSS</i> (Denial/10%+ reduction)	Yes 10%+	Yes 10%+	Yes 10%+	Yes 10%+	Yes 10%+
<i>MEDICAL BILLS</i>	Yes	Yes	Yes	Yes if medi-cal should have been billed	Yes If CMSP, medi-cal or medicare related bill or marin general bill
<i>MEDICAL INSURANCE</i>	Yes	Yes	Yes	No	Yes
<i>DENIAL OF TAR</i> (request to approve specific trmt)	Yes	Yes	Yes	No	Yes
<i>HEALTHY FAMILIES</i>	Yes	Yes	Yes	Yes	Yes
<i>PARATRANSIT</i>	Yes	Yes	Yes	No	Yes
<i>DENTI-CAL</i>	Yes	Yes	Yes	Yes	Yes
<i>MENTAL HEALTH</i>	Yes	Yes	Yes	Yes	Yes
<i>MEDICARE</i>	No	Yes	Yes	No	Yes

	*refer LAS or HICAP				
<i>UNEMPLOYMENT</i>	No	No	No	No	Yes
<i>VA BENEFITS</i>	No	No	No	No	Yes