

## SAN FRANCISCO ATTORNEY

### THE BAR ASSOCIATION OF SAN FRANCISCO – SUMMER 2003

#### **EVICITION PREVENTION PROJECT: ONE LAWYER'S FIGHT AGAINST TOXIC MOLD**

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When Nancy Tablin met attorney Eric Lifschitz last year, she had no idea just how dramatically her life would change. Ms. Tablin was a hard-working Filipino immigrant struggling to provide for her elderly mother and eleven-year-old son. Mr. Lifschitz was a first-year associate who had recently decided to forgo a career as a chemical-patent attorney to pursue his own private practice. Now, almost a year later, Ms. Tablin and Mr. Lifschitz are preparing for a mediation to settle Ms. Tablin's claims of wrongful eviction and personal injury due to prolonged exposure to toxic molds.

It all started with a 500-square-foot in-law unit built in the back of a garage near Hunter's Point—the place Ms. Tablin and her family called home. The front of the garage reeked of urine and garbage because of a long-standing sewage leak, and migrant workers were permitted

to loiter and sleep on mattresses strewn about the garage floor. This scene greeted the Tablin family every time they approached the front door of their home and served as a constant source of stress.

Every evening when Ms. Tablin left for her job on the night shift as a reservation agent, she was gripped with fear for the safety of her mother and son. Furthermore, their unit did not have a phone, so her family could not contact her in the case of an emergency. Ms. Tablin's concern for her family's welfare was so overwhelming that on many occasions she used her work break as an opportunity to return home and check on them. One night, as Ms. Tablin rushed home to do this, she forgot to clock out for her break. The next day Ms. Tablin was notified that she had been fired.

But the potential harm Ms. Tablin and her family faced wasn't just in their neighborhood—it was right inside their own home. Due to the landlord's refusal to make repairs and remediation, the unit had become overrun with toxic molds. Ms. Tablin's son was starting to suffer from asthma attacks, nosebleeds, headaches, and fatigue, all caused by prolonged exposure to the toxic chemicals produced by the molds.

The combination of health and safety issues created by her family's living conditions compelled Ms. Tablin to seek better housing. However, because of her limited



resources and recent unemployment, Ms. Tablin could not afford to move her family into a new place, so they dealt with their deplorable conditions as best as they could. In an effort to improve their living conditions, she asked her landlord for money to make desperately needed repairs, including a paint job to cover the mold on the bathroom walls. The landlord told Ms. Tablin that the

money she spent on the necessary repairs would be deducted from the amount she owed for rent, but this never happened. Soon afterward, the property was foreclosed, and the bank, serving as the new landlord, immediately filed papers to evict Ms. Tablin and her family for non-payment of rent.

Without a job, Ms. Tablin had no choice but to fight for her home, regardless of its decrepit state. With the assistance of the Eviction Defense Collaborative, she found her way to the Bar Association's Volunteer Legal Services Program (VLSP). It was through VLSP's Eviction Prevention Project that Ms. Tablin was introduced to her volunteer attorney, Mr. Lifschitz.

Mr. Lifschitz had only been practicing law for four months when he signed up as a pro bono volunteer with VLSP. Though he says VLSP's training and support gave him the necessary skills and confidence to take on his own landlord/tenant cases, he was caught off guard by his emotional involvement in Ms. Tablin's case.

During his first visit to the Tablin home, Mr. Lifschitz was appalled by her family's living conditions. After giving the apartment just a cursory glance, he was able to see and smell the mold that was flourishing in the apartment.

"As soon as I saw Nancy's living conditions, I knew she and her family were living in a dangerously toxic environment," Mr. Lifschitz states. "My goal was to get them out of the apartment as soon as possible."

Mr. Lifschitz took his case to the bank that had foreclosed on the property. Upon reviewing the evidence, the bank was willing to settle on the condition that Ms. Tablin sign a waiver releasing them from any further claims. Finally an agreement was reached giving the Tablin family forty-five days to move out, a waiver of eight months unpaid back rent, and a five-thousand dollar move-out payment. Mr. Lifschitz accomplished all of this and managed to keep Ms. Tablin from signing the waiver.

With the money from the settlement, Ms. Tablin and her family moved into a safe new home. Meanwhile, Mr. Lifschitz has remained committed to both the case and the Tablin family. He has helped Ms. Tablin's son receive the necessary medical attention and has spent the past nine months building a case against the foreclosing bank. Last month, after filing a lawsuit against the bank, Mr. Lifschitz was able to get

the bank to agree to mediation and is hopeful that he can reach a six-figure settlement without the need to formally serve the complaint.

As for Ms. Tablin, she is just thankful to have her family out of their dangerous living environment. "The way we lived was so sad. When I went home I felt desperate, hopeless, and depressed," she says. "But now I can sleep at night."



For more information about the Eviction Prevention Project, please contact Amanda Chavez at (415) 782-8956 or [achavez@sfbay.org](mailto:achavez@sfbay.org).

*Amanda Chavez is the director of volunteer and holistic services for the Volunteer Legal Services Program of the Bar Association of San Francisco.*