



# TENANTS TOGETHER

California's Statewide Organization for Renters' Rights

2013 Issue II

## Working for a Slumlord Free California

Tenants Together has launched Slumlord Free California, a campaign to force slumlords to clean up their act. We see a recurring theme across the state: slumlords get rich sucking money out of their properties and investing little or nothing back in. Tenants end up paying the price.

In Concord, we are working with tenants as they rise up against landlords who refuse to eradicate bedbugs. In Merced, we are working with tenants who want to take their homes back from roaches. In Fresno, we are working with tenants who are fed up with plumbing leaks, defective smoke detectors, and dangerous electrical wiring. In other cities across the state, we are empowering our members to declare their cities slumlord free zones. These tenants pay rent and deserve safe affordable housing in return.

The stories we hear are heartbreaking. Families whose children can't perform in school because they are sleep deprived due to bedbugs; seniors who have to battle roaches in their kitchen, kids exposed to lead and other environmental hazards. Enough is enough.

These slumlords are breaking the law. Unfortunately, in many places, code enforcement officials are unwilling to hold slumlords accountable by issuing notices of violation that force landlords to make repairs. We are working with code enforcement officials, and pressuring them as needed, to make sure they issue notices of violation and follow up to force repairs. When it comes to unsafe housing for tenants, we will not take "No" for an answer from government officials.

We recently took matters into our own hands when city officials refused to solve a bedbug infestation. Specifically, our members filed a lawsuit against a slumlord in Concord, CA. With the help of the tenant law firm Greenstein & McDonald, Tenants

Together is committed to getting repairs and justice for these tenants.

From Slumlord Free Concord to Slumlord Free Merced to your city, now is the time to take action against slumlords. To declare your community a slumlord free zone, contact us today or visit [www.TenantsTogether.org](http://www.TenantsTogether.org).



*Press conference: TT members in Concord announce major lawsuit against slumlord that refuses to eradicate bed bugs.*

## Report Released: Improper Security Deposit Withholding in California



Tenants Together released a report on security deposit withholding by California landlords that finds widespread unfair deposit withholding with virtually no accountability. California landlords hold an estimated \$5 billion of tenant security deposits; annually, in excess of \$1 billion of deposit money is in play when tenants vacate their homes and landlords must decide whether to return deposits. Sixty percent of the tenants surveyed reported experiencing unfair deposit withholding. The report includes an analysis of small claims cases revealing that only in the rarest cases do courts impose penalties on landlords that improperly withhold deposits. Some of the findings from the surveys of our members:

- 60% experienced unfair withholding of some or all of their deposit;
- 36% reported that their entire deposit was never returned the last time they moved;
- Tenants prevailed in over 70% of the cases that went to judgment; **but in only**
- 3.5% of the security deposit cases was a landlord

assessed a penalty by the court, providing little disincentive for future withholding.

We are committed to fighting for tenant security deposit fairness. If you've been a victim of deposit theft, please call our hotline at **888-495-8020** for information on how to get your deposit back.

### What's Inside

Program Updates.....	3
Members Taking Action.....	4-5
Local Highlights.....	6-7
Law & Court Updates.....	8
Snapshots of Actions.....	9
Membership Form.....	10

[www.tenantstogether.org](http://www.tenantstogether.org)

## ABOUT TENANTS TOGETHER

We are California's only statewide tenant rights organization, uniting individual tenants, tenant organizations, and other allies in the struggle for fairness and justice for California's estimated 15 million renters. Tenants are disproportionately low-income people, seniors, students, immigrants, and people of color who are struggling for daily survival. Through education, organizing, and advocacy, we work to galvanize a statewide movement for renters' rights.

### BOARD

Steve Collier (Board President) - Tenderloin Housing Clinic\*  
María Guadalupe Arreola - San Francisco Human Rights Commission\*  
Larry Gross - Coalition for Economic Survival\*  
Ted Gullicksen - San Francisco Tenants Union\*  
Michelle Kezirian - Bet Tzedek Legal Services\*  
Pahoua Lor - Law Offices of Pahoua C. Lor\*



### STAFF

Dean Preston - Executive Director  
Leah Simon-Weisberg - Legal Director  
Guillermo Elenes - Organizer  
Aimee Inglis - Member Services & Volunteer Coordinator  
Aileen Joy - Office Manager  
Magdalena Gomez - Central Valley Outreach Coordinator

\*For identification purposes only

## SPECIAL THANKS

Tenants Together would like to thank the following organizations and individuals for their very generous support:

The San Francisco Foundation  
The Elkes Foundation  
Milstein Adelman LLP  
Greenstein & McDonald  
Law Offices of Richard Hurlburt  
Peretz & Associates  
Law Offices of Eric L. Lifschitz  
Michelle Kezirian  
Randy Shaw  
Pahoua Lor  
Eviction Defense Collaborative  
J. Scott Weaver  
Law Offices of Andrew Westly

## OUR VOLUNTEERS

On behalf of all our members, Tenants Together would like to thank our team of committed volunteers who generously donate their time to our cause:

Sam Davidson	María Escuin	Michael Olsen
Jose Lua-Valencia	Christy Clark	Darren Orr
Bob Mason	Bill Medley	Joshua Wong
Alison Brennan	Ana Cavagnaro	Caroline Dickie
Kevin Sciarani	Michael Chern	Jason Hain
Lupe Arreola	Jaclyn O'Brien	Ryan Gramacy
Richard May	Julian Purkiss	Denise Bashline
Elina Serrano	Jessica Hwang	Grisanti Valencia
Martha Torres	Eunice Kim	Melissa Malstrom
Mary Ann Ellison	Caleb Mealey	Belem Sanchez
Kelli Shields	Alexx Campbell	Shawn Dillon
Erkki KochKetola	Mark Cummings	Catherine Pepe
Paul Hogarth	Maro Guevara	Hed Ehrlich
Andy Blue	Richard May	Blase Kornacki
Lara Sanoica	Denise Bashline	
Matt Dean	Kevin Sciarani	
Michael Olsen	Katerina Bouras	
Asa Dodsworth	Sasha Ellis	
Kelli Shields	Deborah Gerson	
Mark Serrato	Glenn Nyhan	

## MEMBER ORGANIZATIONS

Thanks to each of our current member organizations for their work to strengthen tenant rights in California!

Affordable Housing Advocates  
Asian Law Alliance  
Asian Law Caucus  
Benchmark Institute  
California Affordable Housing Law Project  
Causa Justa :: Just Cause  
Coalition for Economic Survival  
Community Legal Services in East Palo Alto  
Eviction Defense Center (Oakland)  
Eviction Defense Collaborative (San Francisco)  
Eviction Defense Network (Los Angeles)  
Fair Housing Council of Riverside County  
Grassroots Leadership Network of Marin  
Housing Rights Committee of San Francisco  
Inner City Law Center  
Isla Vista Tenants Union  
Legal Aid Society of San Mateo County  
Legal Assistance to the Elderly  
National Housing Law Project  
San Francisco Tenants Union  
Santa Monicans for Renters' Rights  
Tenderloin Housing Clinic

## Tenants Across the State Lobby Sacramento

At Tenants Together we're working to change how tenants are treated in Sacramento. On Tuesday May 7th, dozens of Tenants Together members took to the Capitol for a Day of Action to urge State Senators to support SB 603--Security Deposit Fairness. While tenants were walking the halls of the Capitol, the Senate Judiciary approved the bill by a vote of 4-1, a key step toward passage of the law. The Day of Action was a show of force by tenants in a capital often dominated by real estate and landlord lobbyists.

Members who participated in the Day of Action were victims of security deposit theft and allies. One member, Sebrina, flew in from San Diego to make sure Senators heard her story. Sebrina said, "My deposit was partially withheld for cleaning and unnamed 'damages.' I left the place cleaner than it was when I moved in. As for damages, I have no idea what the landlord was talking about, and they never explained or documented any repair expenses. The apartment sits now, almost three years later, as storage for odds and ends, paint, tools, unused carpet and so on. No one has ever lived there since I moved."

Unfortunately, on May 29th the Senate refused to support the bill. Why do these Senators feel it's not important that tenants are losing thousands of dollars every time they move? We asked, but very few Senate offices responded. For many of these

Senators, their votes do not reflect policy preferences, but instead purely political considerations.

We will continue to fight for tenant security deposit fairness. If you've been a victim of deposit theft, please call our hotline at **888-495-8020** for information on how to get your deposit back.



**TENANT  
RIGHTS  
HOTLINE  
888-495-8020**

### Tips to Get Your Security Deposit Back!

- #1 Document conditions when you move in.
- #2 Demand a pre-move-out inspection.
- #3 Deposit being withheld? Go to [www.tenantstogether.org/sampleletters](http://www.tenantstogether.org/sampleletters)



## Central Valley Heats Up

Our members in Merced and Fresno have been busy challenging slumlords. From the Tioga Apartments in Merced to the Fresno Inn in the City of Fresno, members have led the fight for better living conditions for tenants. Problems at both of these buildings came to our attention because of a series of bogus eviction notices. In Merced,

tenants were told they owed money they had actually already paid. In Fresno, the landlord gave multiple 3-day notices, falsely claiming the tenants had to move because the building would be demolished. We helped these tenants fight for dignity, respect, and safe living conditions. Read all about our recent work in Merced and Fresno on pages 4 and 5.

This year we hired our first Central Valley Regional Organizer,

and most recently Central Valley Outreach Coordinator, Magdalena Gomez. Their tireless work activating and supporting members means our work in the Central Valley has been growing steadily. Read more about their work on pages 4 and 5. Change is only possible with boots on the ground, consistently knocking on doors and building relationships with local leaders. Whether that's staff or committed local leadership, we know we can win with hard work and dedication.

Interested in organizing in your local community? Our TT Organizer, Guillermo Elenes, is always happy to talk to members about starting up a Tenants Association or canvassing your neighborhood to find supporters for renters' rights. Contact [guillermo@tenantstogether.org](mailto:guillermo@tenantstogether.org).

### Tenants Together Membership

Did you know? TT members now receive priority callback in our hotline queue, access to monthly Q&A calls with our Legal Department, and more info on getting active for tenants' rights.

**Renew today at  
[www.tenantstogether.org/member](http://www.tenantstogether.org/member)**



## NEW OFFICE AND STAFF IN FRESNO



This year TT has been expanding our reach. This summer, we opened a new office in Fresno and hired Central Valley Outreach Coordinator, Magdalena Gomez. We're excited to welcome Magdalena aboard, thanks to a grant from the Attorney General's office through our partnership with Central California Legal Services to assist residents of foreclosed properties in Merced, Fresno, Kings, and Tulare counties. Magdalena has been conducting door-to-door outreach to tenants and leading community workshops. If you're a TT member in the Central Valley, please be on the lookout in the community and welcome Magdalena!

### Magdalena Gomez



Magdalena Gomez was born and raised in Fresno County. She comes to Tenants Together after years of community advocacy work. Most recently, she was a Community and Political Liaison with Laborers' Pacific Southwest Regional Organizing Coalition, where she engaged in strategic research and planning, and built bridges between the businesses, politicians, community and labor groups

to create sound and positive policy to improve people's lives. Magdalena's roots in the social justice movement are deep: her parents have been heavily involved in community advocacy work, research and policy making, and Magdalena is continuing the legacy. She also worked for years in the private sector in the Bay Area, gaining planning, fundraising, and coalition building skills that she uses to achieve social change in the Central Valley. When not working, Magdalena enjoys travelling, playing sports, and spending quality time with her family.

## ORGANIZING VICTORY

### MTT Organizes Merced's Tioga Apartments

*By Susan Bouscaren, MTT Member*

This April, our Merced Tenants Together (MTT) members received word that all of the residents at the historical Tioga Apartments had received 3-Day Notices to Pay or Quit. The notices stated they owed money for rent, but the rent had already been paid! MTT immediately took action by notifying reporter Josh Emerson Smith of the *Merced Sun-Star* of the issue and proceeded to organize the building's tenants.

On April 2, 2013 MTT held an initial meeting with one of the tenants who received a 3-day notice. With the assistance of two of the residents, MTT went door-to-door to investigate further and recruit residents to meet to decide how to tackle the problem. The group decided to start a tenant association in order to take action collectively. It also came to light that many of the units had serious needs for repairs and rampant pest infestations. MTT saw hundreds of roaches while visiting tenants. On Wednesday, the *Merced Sun Star* put the issue on the front page and before noon, KSEE Channel 24 was out interviewing the residents about the 3-day notices. The story made both 6pm and 11pm news that day.

In response, management went door to door to inspect apartment conditions, rescinded the 3-day notices, and issued a letter of apology to each of the residents.

The Tioga Resident Association and MTT secured a swift and awesome victory against the bogus 3-day notices. If it were not for Merced Tenants Together organizing the Tioga building, more tenants may have moved out of fear or paid extra rent they didn't owe.

At the end of August, the building's owners announced that the former managers would be replaced in September. New management says they plan to replace the elevators, deal with the cockroach infestation, and make other improvements. Inspired by our victory at the Tioga, Merced residents are joining MTT with the desire to take action against other slumlords.

Members who donate \$50 or more receive a t-shirt.  
Renew or join today!  
[tenantstogether.org/member](http://tenantstogether.org/member)



*Photo credit: Gracie Malley*

# MEMBERS TAKING ACTION



Photo credit: Edwin Monico

## Fighting Slumlords in Fresno

This August, Casa de Campo LLC, owners of the Fresno Inn, a residential hotel in the City of Fresno, served bogus 3-day eviction notices on all tenants. In response, Tenants Together organized a community rally condemning the evictions and demanding that the owner withdraw them.

Initially, rather than comply, the landlord stepped up the harassment, serving a new round of unfounded notices. The notices served on August 25 threatened tenants that building power and water would be shut off on Sept. 1. The notices caused great distress at the complex, with residents uncertain what the landlord would try to do over the Labor Day weekend to displace them.

The tenants, supported by Tenants Together, attorney Alessandra Muhawe, and community allies, refused to be scared out of their homes. They stood strong, threatening to obtain a temporary restraining order and have the landlord arrested if he followed through on threats to lock them out of their home. At the urging of Tenants Together, city officials also intervened and contacted the landlord about the threatened utility shutoff. Fresno Neighborhood Revitalization Manager Elaine Robles-McGraw and Deputy

City Attorney Tracy Parvanian took prompt action to pressure the owner to refrain from illegal evictions and utility shutoffs.

According to the 3-day notices, tenants were being evicted because the property would be demolished to make way for high-speed rail. "These vague 3-day notices are totally illegal," commented Leah Simon-Weisberg, Legal Director of Tenants Together. "Evictions for a CalTrans project would require that tenants get far more than 3-days to move, not to mention state-mandated relocation payments so they don't end up homeless."

"It makes me feel terrible, because they had no right to do this," said Christine Wilson, a tenant who lives at the Fresno Inn with her family, in a recent TV interview.

Omé Quetzal Lopez, former regional organizer for Tenants Together, urged the landlord to withdraw these notices: "These tenants are in shock and scared. They've paid their rent but are being kicked out with virtually no notice. There are families with kids, disabled folks, elderly, and low-income tenants who have lived here a long time. This landlord needs to stop these evictions now."

The tenants of the Fresno Inn have repeatedly complained of substandard living conditions. The landlord refuses to make necessary repairs, despite being cited by the City. Tenant advocates suspect that the landlord is trying to empty the building rather than make legally required repairs.

Landlord Casa de Campo LLC eventually agreed to rescind both sets of eviction notices and refrain from further illegal eviction attempts or utility disruptions. This is a major victory for the tenants. Although much remains to be done, the immediate threat of eviction appears to be resolved for now.

## Tenants Win Right to Stay in Fannie Mae-Owned Homes



Since 2009, Tenants Together has helped over 8000 tenants in foreclosure situations know and assert their rights. Recently, we have had many calls from tenants in Fannie Mae-owned properties getting the runaround. Real estate agents representing Fannie Mae regularly give tenants invalid or confusing notices to quit, pressure tenants to accept cash-for-keys deals, and refuse to give tenants proof of ownership. Tenants who have been dutifully paying their rent have to deal with their whole lives being turned upside-down. For example, Tony called our hotline because he was given a 30, 60, or 90 day notice to move out by a real estate agent representing Fannie Mae; he was also confused because there were multiple agents claiming to represent Fannie Mae. After a couple counseling sessions on our hotline, Tony

responded in writing to Fannie Mae asking for a clear point of contact. With further help, Tony successfully pushed back against his notice to move and was able to negotiate a year lease with Fannie Mae. Call our hotline at 888-495-8020 if you are in a similar situation and need help.



# LOCAL HIGHLIGHTS BY COUNTY by Alison Brennan

## CONTRA COSTA

### Bloodsucking Bugs Irritating Concord Residents

Concord residents are being eaten alive by bed bugs, and landlords are failing to do their part to eradicate pests and restore habitability to the properties they own. Residents living at Rosemont Apartments and other complexes in Concord are fed up with local code enforcement officials who are letting landlords off the hook. At the beginning of October, TT members presented their plight to the Concord city council and demanded that the city take action. Residents took one councilmember on a tour of living conditions where some tenants are sleeping on inflatable mattresses and keeping all their clothes in bags. Despite their efforts, tenants' arms are covered in bedbug bites. Some members of the Concord City Council have made a commitment to helping the tenants hold their landlord accountable for ridding their homes of bedbugs. Working with TT Organizer, Guillermo, dozens of tenants have joined our campaign to demand a bed-bug free living environment in Concord. TT's Legal Department has also filed a lawsuit against the landlord of the Rosemont Apartments.



*Bedbugs lining the ceiling.  
Photo credit: Gracie Malley*

## SACRAMENTO

### Blackstone Buys up Sacramento

Blackstone, one of the many hedge funds buying foreclosed properties and converting them to rentals, purchased some 1,200 homes in the Sacramento region over the past year. Blackstone and other hedge funds have also bought thousands of properties in other areas hard-hit by the foreclosure crisis. Some local investors are upset that, because the hedge fund investors don't need to mortgage their properties, they can outbid them. But tenant groups are concerned that tenants will face high-and-increasing-rents and will face eviction when the hedge funds sell the properties as the housing market improves. A front-page *Sacramento Bee* article highlighted the problem and quoted TT's Director, Dean Preston.

## SAN FRANCISCO



### Ellis Act Evictions on the Rise, Community Responds

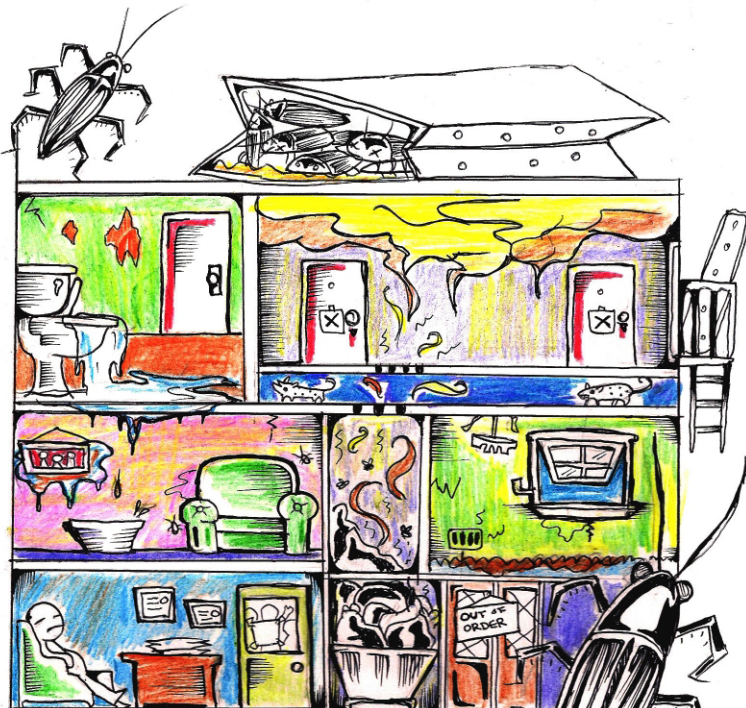
Evictions under the Ellis Act, a state law that has encouraged rampant speculation in the SF housing market and displaced thousands of tenants, have tripled since the beginning of this year. Housing justice advocates and activists are fighting back with grassroots campaigns like Eviction Free San Francisco and the Anti-Eviction Mapping Project. Activists succeeded in pressuring the Mayor to demand a stay of eviction for the Lee family, who lived in their home for 35 years with their 48-year-old disabled daughter, though the family was eventually forced to leave. Groups are continuing to organize and advocate for local and statewide solutions.

### Condo-Conversion Moratorium

Legislation passed by the SF Board of Supervisors in June would allow some 2,000 TIC (tenants-in-common) owners to convert their units to condominiums. In exchange, the City passed a ten-year moratorium on other condominium conversions. The legislation as originally proposed would have allowed for the TIC conversions in exchange for the payment of a fee for eventual construction of affordable housing. Tenant and community groups fought back against this bad deal and won a conversion moratorium.

## MERCED

### Member depiction of the Tioga Apartments in Merced



*By TT member, Jazz*

## LOS ANGELES

### Lawsuit Filed Over Court Closures

Several community and legal services organizations joined together in March to sue the Los Angeles County Superior Court over that court's decision to close most of the unlawful detainer court rooms in the county. Twenty-one courts will be closed, which will mean that all tenants in the county will be served by five courtrooms. Tenants will be forced to travel long distances, and those who are disabled or must depend on LA's notoriously inadequate public transportation, may be prevented from defending their eviction cases. San Fernando Valley tenants, for instance, will be forced to travel to Pasadena or Santa Monica to have their cases heard. There is no public transportation to either city from the Valley. In addition, tenants will have to travel to the far-flung courts at least twice (generally within a month's time), first to file an answer to the landlord's complaint and again for the trial.

### New App Helps Tenants

A new app, developed by South LA Community Members, Strategic Actions for a Just Economy (SAJE), and the USC Institute for Multimedia Literacy, helps tenants to make complaints to appropriate city agencies. The app begins with a list of general problems (electrical, plumbing and the like), then presents a more specific list tied to city codes, and then enables a tenant to add comments and submit the complaint to the appropriate agency. The app is available in both English and Spanish.

## CONTRA COSTA

### Richmond's Housing Element Stirs Controversy

Community groups have been working to get four proposals included in the Housing Element of Richmond's General Plan. In addition to strengthening the Blight Program, which forces banks to maintain vacant properties they own, two other proposals would increase the supply of affordable housing in Richmond. One would strengthen Richmond's Inclusionary Housing Ordinance, which requires that developers include affordable housing in their projects, while the other would establish a community land trust, to stabilize communities and increase the supply of affordable housing. However, the most controversial would require Richmond to establish a rent control policy to protect tenants from excessive rent increases and maintain the stock of affordable housing. The Chamber of Commerce and the California Apartment Association oppose these proposals.

## ALAMEDA

### Alameda Mayor Decries Local Landlord's Rent Increases



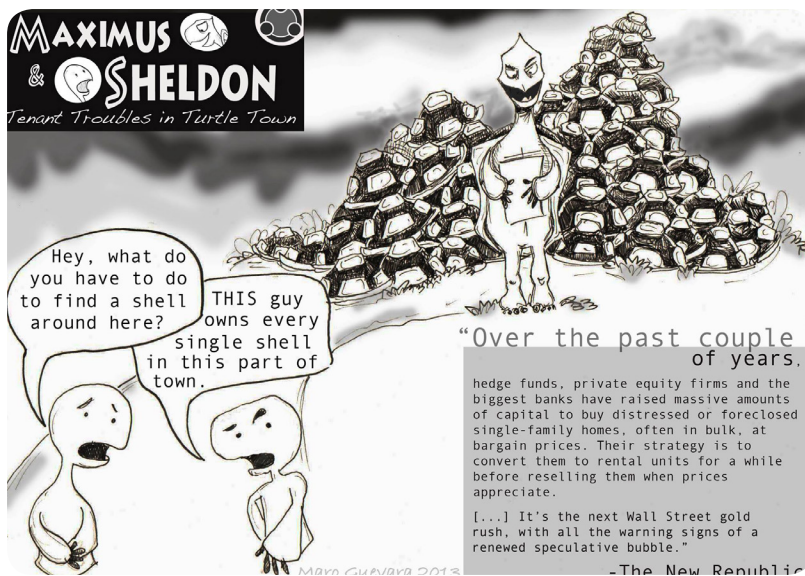
Alameda Mayor Marie Gilmore asked local landlord representative Claudia Bowman to comply with Alameda's Rent Review Advisory Committee's request that rents at the recently-acquired property be increased no more than 10%. Rents at the building, located at 1514 Benton Street, have been

increased anywhere from 20 to 60 percent. But because the Committee is only advisory, and Alameda has no rent control or just cause eviction protections, the landlord simply ignored the request. This prompted a discussion among city leaders, with Vice Mayor Marilyn Ezzy Ashcraft saying, "I'm not advocating for rent control at this point – I've been on the City Council for two months. But if we keep hearing about cases like this, I'll certainly consider it."

## LAKE

### Mobile-Home Ordinances on Ballot in Lakeport and Lake Co.

Separate ballot initiatives have qualified for the ballot in Lakeport and in Lake County. The initiatives, both of which were written and circulated by a local group, Save Our Seniors (SOS), would establish mobile-home rent control for all mobile home parks if one senior lives there. The allowable rent increase would be limited to the inflation escalator for Social Security each year. The Lakeport City Council has asked for a staff report on the ordinance, to be submitted by the end of September, as tying rent increases to the Social Security inflation rate has not been tested in court.



Follow the adventures of Maximus & Sheldon at our blog [rentsandrants.com](http://rentsandrants.com)



# STATE LEGISLATIVE UPDATES & COURT WATCH

Subscribe  
to e-alerts to  
stay updated!

Tenants Together monitors tenant-related legislation in Sacramento, as well as the development of landlord-tenant case law. Below are key tenant-related issues in state government and the courts.

## Legislative Updates

### **AB 1229 - Inclusionary Rental Housing, Vetoed by Gov**

AB 1229 (Atkins) would have restored the ability of cities to adopt and enforce inclusionary housing laws to provide affordable rental housing in new developments. The bill would have reversed an appellate court decision (Palmer). In Palmer, the court held that a local inclusionary law requiring affordable rentals violated the state's Costa Hawkins Rental Housing Act. The bill passed the assembly and senate, but Governor Brown vetoed the bill.

### **SB 603 - Security Deposit Fairness, Defeated in the Senate**

SB 603 (Leno) would have automatically doubled damages in cases where landlords illegally withhold security deposits. The bill was sponsored by Tenants Together to address high rates of security deposit theft in California. The bill was defeated on the Senate floor but could be revisited in the upcoming legislative session.

### **SB 488 - Pest Infestations**

SB 488 (Hueso) helps plug a loophole in state law that had created uncertainty regarding the role of code enforcement in taking action against pest infestations in many California communities. This is particularly important for tenants facing bedbug infestation in certain cities that lack agreements with the county regarding enforcement. The bill was signed by Governor Brown and takes effect January 1, 2014.

### **SB 612 - Early Lease Termination**

SB 612 (Leno) expands the type of documentation for early lease termination due to domestic violence, sexual violence, elder abuse or human trafficking. The bill allows victims to use a form provided by counselors or other health care professionals to terminate a fixed-term lease early. The bill was signed by the Governor and takes effect January 1, 2014.

### **SB 510 - Mobile Home Park Conversions**

SB 510 (Jackson) provides mobile home residents a voice when their mobile home park is being subdivided and sold. If a majority of mobile home park residents do not support a sale, Senate Bill 510 allows – but does not require – a local government to disapprove of the conversion. The bill was signed by the Governor and takes effect January 1, 2014.

## Review of Recent Court Cases

### **Failure to Obtain Rental Insurance is not Grounds for Eviction**

In a win for tenants over this past summer, a court ruled that a tenant cannot be evicted for a failure to obtain rental insurance. The landlord in *Nivo 1 LLC v. Antunez*, (2013) 217 Cal. App. 4th Supp. 1 attempted to evict the tenant for not obtaining rental insurance, a provision that was included in the lease agreement. The landlord argued that this constituted a material breach and was grounds for eviction. The court disagreed and stated that this would instead be a trivial breach and therefore not grounds for eviction.

### **Litigation Privilege does not Bar a Retaliatory Action Suit**

Just last month tenants had another victory when a court found that tenants can still bring a case against their landlord despite a California state law known as the litigation privilege. This law protects landlords against an otherwise valid lawsuit in certain circumstances. In the case of *Banuelos v. LA Investment, LLC*, (2013) 219 Cal.App.4th 323, the tenant brought a state law retaliatory eviction case against his landlord, claiming he was being evicted because he had complained to the City of Carson and the courts about his landlord. The landlord attempted to use the litigation privilege in order to avoid liability. The court

disagreed and held that this privilege would not bar a retaliatory eviction action under state law.

### **There is No Private Right of Action Under the PTFA**

In July, the Ninth Circuit reached the disappointing decision that a tenant has no private right of action under the Protecting Tenants at Foreclosure Act (PTFA). This means that when a tenant is served an eviction notice or lawsuit that does not conform to the requirements of the PTFA, they cannot file suit under the PTFA. The case is *Logan v. Bank National Association*, (2013) 722 F.3d 1163.





# SNAPSHOTS FROM ACROSS THE STATE

## Members, Volunteers, and Advocates Taking Action!

Photos by: Andy Blue, Gracie Malley, and Edwin Monico

Fresno Inn tenants at community rally, fighting against bogus eviction. 8/2013



Happy Hour for San Diego Advocates 9/2013



Fresno Community Training 5/2013



Tenants Together Turns 5! 6/2013

Thank you to all who attended, donated, bid on auction items, volunteered, and more at our 5th Anniversary party, Raising the Roof for Renters!



Statewide Lobby Day 7/2013







Take Action!  
Donate!

Support California's renters' rights movement.  
**Join Tenants Together Today!**

## MEMBERSHIP FORM

NAME

STREET ADDRESS

CITY/STATE/ZIP

PHONE

CELL PHONE

EMAIL

Tenants Together works across the state to pass pro-tenant legislation and fight for justice for renters. As a member you will receive many benefits, including priority callback on the Tenant Rights Hotline, our newsletter, and access to our monthly Q&A with our Legal Director. Become a member today!

☐ **Annual membership: \$50**

Members who contribute \$50 or more get a T-shirt. T-shirt size: \_\_\_\_\_

☐ **Student, senior, or low-income membership: \$25**

Please contact us if you would like to volunteer in lieu of annual membership fees.

### Get a T-shirt!

Members who contribute \$50 or more get a T-shirt !



Send form with check/money order to:

Tenants Together  
995 Market St., Ste 1202  
San Francisco, CA 94103

Join online at:  
[www.tenantstogether.org](http://www.tenantstogether.org)