



TENANTS TOGETHER

California's Statewide Organization for Renters' Rights

Newsletter 2009, Issue 1

Foreclosure Crisis Hits Tenants Hard

Tenants Together study shows at least one-third of CA households impacted are rentals

The Depth of the Problem

The numbers have been jaw-dropping. More than 240,000 residential properties were sold in foreclosure in California last year, a total that exceeds the last nine years combined. The state had the 4th highest foreclosure rate in the country. In the hardest hit areas of the state, 1 in 10 homes went into foreclosure.

Yet while the media and policy makers have primarily focused on the impact that the foreclosure crisis has had on homeowners, renters who have done nothing to contribute to the crisis are suffering greatly.

Renters in foreclosed properties often face harassment, water shut-offs, eviction and other problems at the hands of banks that take over the property.

Groundbreaking Report

Recognizing the public need for far more information on how tenants were being affected by foreclosures, Tenants Together commenced a study and released a groundbreaking report this year on California renters in foreclosure. The findings confirm that far more attention must be given to the plight of tenants in this crisis. Based on our research, Tenants Together conservatively estimates that at least a third of foreclosed units in California are rentals.

Our report describes the impact of foreclosure on tenants and proposes solutions to protect tenants in foreclosure situations. To review these proposals and the complete



FORECLOSURE HOTLINE (415) 495-8012

Hundreds of tenants have already used Tenants Together's Foreclosure Hotline

report visit our website, tenantstogether.org.

Governor Vetoes Legislative Relief Efforts

Despite the extraordinary hardship for tenants, Governor Schwarzenegger has vetoed even the most basic protection for renters in foreclosed properties.

See "Foreclosure Crisis" p. 3

A Year Later: Reflections on Prop 98

At a time when nearly everyone in California was suffering, landlords were not. With rents remaining high and vacancy rates low, one would think landlords might quietly enjoy their good fortune. Instead, landlords seized the moment to take a huge gamble. They chose 2008 as the year to back a highly controversial measure to obliterate tenants' rights in California. Prop. 98 would have amended California's constitution to outlaw rent control and other tenant protections across the state.

The coalition that defeated Prop. 98 was an extraordinarily broad one that included senior, labor, environmental, faith-based, municipal, political, consumer, and tenant organizations. The measure was soundly defeated by a 22-point margin.

As we move forward to face new challenges in 2009, it is important not to forget

some of the lessons of the Prop. 98 battle:

- Californians strongly support tenant protections, including rent control.
- A remarkably broad coalition, will stand with tenants in the face of abusive landlord tactics.
- Grassroots organizing and coalition building can defeat well-funded, deceptive campaigns by those who seek to deny basic protections to California's renters.
- Landlords lost major credibility through the Prop. 98 fight, depleting their political capital in ways that have only begun to be realized.



Tenants Together emerged from the Prop. 98 victory as California's new statewide organization for renters' rights. As a coali-

tion of tenants, tenant organizations and other allies, Tenants Together is committed to protecting and advancing the rights of California tenants.

We know we have our work cut out for us during these difficult times. But the majority of Californians believe in fairness for tenants, and this simple fact offers an opportunity for progress. The landlords' overreach on Prop. 98 helped reinvigorate California's statewide tenant rights movement. Defeating Prop. 98 was just the beginning.

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www.TenantsTogether.org

Tenants Across State Demand Renters Rebate

On September 25, 2008, Governor Arnold Schwarzenegger used his line item veto to eliminate all \$150 million of funding from the state budget for the Renter Tax Assistance Program, a.k.a. the “renters’ rebate.”

Low-income senior, blind, and disabled renters have relied on these funds for years to pay for necessities like rent, medicine, and food. The Governor made this drastic and unexpected cut without seeking any

“This is ridiculous. How am I going to afford my heart medication now that the Governor terminated my rebate?”

John Melone, senior renter
Richmond, CA



Tenants demand that the budget not be balanced on the backs of California’s most vulnerable residents.

public input.

This was the Governor’s single largest cut with the line item veto, and it comes at a time when California’s most vulnerable citizens are facing the loss of numerous other programs and services.

Tenants Together led a broad coalition in immediate opposition to the governor’s elimination of the rebate.

On October 31, 2008, thirty organizations

co-signed Tenant Together’s letter to the governor objecting to the cut and urging that the program be fully funded. On November 19, Tenants Together organized a statewide day of action to save the rebates. Renters, seniors, persons with disabilities, and other allies across the state participated in the day of action by staging rallies, holding press conferences, and signing our online petition.

The event received broad statewide

media coverage and sent a clear message that the governor’s cuts were unacceptable and that we will not sit quietly as he attempts to balance the budget on the backs of low-income tenants. In the weeks after the day of action, TT members across the state called the governor every day to protest his elimination of these critical funds.

In January 2009, the Governor added insult to injury. His proposed 2009-10 budget again excludes funding for the renters’ rebate and in February the Governor signed into law a \$100 million tax credit for home buyers. This credit is available regardless of the income level of the home buyer. A millionaire who buys a newly constructed house this year will get a \$10,000 gift from the government.

Tenants Together strongly objects to the governor prioritizing home buyers over low-income tenants and will continue to challenge his highly distorted priorities.

For the latest on our efforts to restore the renters rebate check out our website or give us a call.

OUR MEMBER ORGANIZATIONS

Tenants Together is uniting tenant organizations and allies in a statewide movement for renters’ rights. Thanks to each of our current member organizations for their work to strengthen tenant rights in California!

- California Affordable Housing Law Project
- Coalition for Economic Survival
- Eviction Defense Collaborative
- Eviction Defense Network
- Just Cause Oakland
- Housing Rights Committee of San Francisco
- Marin Tenant Voices Council
- Parkmerced Residents Organization
- San Francisco Tenants Union
- Santa Monicans for Renters’ Rights
- Tenderloin Housing Clinic

If your organization also supports tenant rights, we urge you to become a member of Tenants Together. Please see the membership form on the back of this newsletter or visit our website.

READ OUR BLOG
**RENTS &
RANTS**
www.RentsAndRants.org

Foreclosure Crisis Hits Tenants Hard

Continued from p. 1

Tenants Together was extremely disappointed when the Governor vetoed AB 1333 and AB 2586, both of which would have provided some basic protections to tenants impacted by foreclosure. The bills would have helped tenants recover their security deposits from banks after foreclosure, and would have forced banks to keep water and other utilities flowing as long as tenants remained at the properties.

TT Launches Tenant Foreclosure Hotline

At Tenants Together, we are committed to bringing public attention to the plight of tenants in foreclosed properties and doing everything we can to protect and empower tenants facing this difficult situation.

In March TT launched a Tenant Foreclosure Hotline to offer assistance to the thousands of tenants in this difficult situation. It is the only hotline of its kind in the state. The phone is ringing off the hook confirming the dire need for such a service. In just the first few weeks, we've been able to help hundreds of tenants learn about their rights

and direct them to services in their areas.

More Responses to the Crisis

Community activists and some elected officials across California and the nation are taking action to bring relief to tenants in foreclosure situations. In the California cities of Los Angeles and Maywood, community organizers have successfully pushed for strong "just cause for eviction" laws that will help protect tenants in foreclosure situations from unjust evictions (See Local Highlights).

In the California Legislature, the Western Center on Law and Poverty is working with Senator Alan Lowenthal (D-Long Beach) to renew the legislative effort to prevent utility shut-offs for tenants after foreclosure and help tenants

get back their security deposits from banks.

On the federal level, U.S. Rep Keith Ellison (D-Minn) has introduced legislation that would provide uniform federal standards to protect tenants in foreclosed properties by requiring a 90-day notice prior to eviction.

Meanwhile ACORN, the nation's largest community organization of low-income people, launched a nationwide campaign of direct action against foreclosure evictions. The Home Staying campaign is being waged in more than 20 cities nationwide including Los Angeles and Oakland.



As the foreclosure crisis continues to devastate California renters, the time for action has arrived. For more information about what you can do, call Tenants Together today.

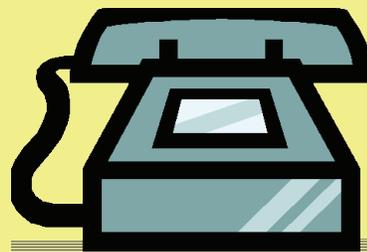
Tenants in Foreclosure: Know Your Rights!

Tenants in foreclosed properties have the right to:

- ✓ 60 days written notice to vacate
- ✓ habitable living conditions and necessary repairs
- ✓ no obligation to move out just because someone tells you to
- ✓ stay in your home regardless of foreclosure if you live in certain cities
- ✓ contest your eviction in court

Please call our hotline for more information: **415-495-8012**

Tenants Together Launches Foreclosure Hotline



415- 495-8012

Tenants Together has launched a new foreclosure hotline to help tenants in foreclosure situations learn about their rights and find helpful resources in their area.

The hotline has been ringing off the hook with calls from tenants across the state. The flood of calls has confirmed that the hotline has filled a critical need for tenants in California.

The hotline is staffed by volunteers, including a team of specially trained law students from University of California Hastings College of Law.

"The stories we hear are heartbreaking—tenants denied the most basic services like water and heat, and forced out of their homes for no good reason. We are doing everything we can to arm tenants with knowledge and tools to stand up to abusive conduct by defaulting landlords and foreclosing banks," said Tenants Together volunteer, Heather Freinkel.

If you are a California tenant in a foreclosure situation, give us a call today.

LOCAL HIGHLIGHTS

ARCATA

Pro-Tenant Candidate Elected to City Council

In November 2008, the city of Arcata elected Shane Brinton, a former tenant activist, to the city council.

Brinton was once active in the Tenants Union of Northern Humboldt and says he understands the plight of tenants in a city with high rents and a chronic shortage of affordable housing. "I grew up in Arcata in a single-parent rental household. I understand the need for tenants to be empowered and to have a voice in their city government," said Brinton.

Brinton is currently working with activists in Arcata to develop a legislative package to assist tenants.



Shane Brinton

ARCATA is a small city in Humboldt County with an estimated population of 17,294. 42% of its residents are renters. Arcata is the home of Humboldt State University.

DAVIS

Tenants Assert Free Speech Rights



Davis tenants go political

Early last year the Davis City Council passed an ordinance guaranteeing tenants the right to post political signs in the windows, on the balconies, and on the doors of their rental units. The ordinance explicitly superseded provisions of rental agreements banning postings.

Last fall during the first major election season

after the law was passed, some local landlords attempted to enforce policies in their leases that prohibited political signs.

Knowing their rights, several Davis tenants brought the matter to the attention of elected officials and the local media. After the City became involved the landlords backed down and permitted their tenants to post the signs as the law had intended.

DAVIS is the largest city in Yolo County with a population of about 63,000. 54% of its residents are renters. Davis is the home of the University of California, Davis.

EAST PALO ALTO

Tenants Fight Predatory Landlord

Fueled by a \$100 million investment from California's public employee pension fund (CalPERS), Palo Alto based Page Mill Properties has bought up some 1700 rental units in East Palo Alto (EPA). Page Mill has acquired more than half of all the rent-controlled units in the city. For more than a year the company has been in battle with the working people and city government of EPA.

Page Mill has imposed excessive rent hikes, some as high as 110%, forcing numerous good tenants from their homes. The city's Rent Stabilization Ordinance (RSO) allows for only one small increase per year. Last year's allowable increase was 1.3%.

Page Mill has been aggressively evicting tenants in an all-out assault on the city's rent control laws. Page Mill has filed several lawsuits against the city's efforts to protect its tenants.

But tenants and their advocates have been fighting back with a tenacious and resourceful campaign. They have brought widespread media attention to the issue, run a successful petition campaign, and have filed suit against the company.



EPA tenants complete petition

Tenants Together has been working closely with activists in EPA on this issue, pressuring CalPERS to intervene with its investment partner to bring relief to EPA tenants.

TT also worked with EPA's mayor and labor allies at SEIU Local 521 to adopt resolutions denouncing Page Mill and calling on CalPERS to intervene.

Learn more about the situation at www.epa-tenants.org, a site set up by local activists.

EAST PALO ALTO is located in San Mateo County with a population of approx. 33,000. 56% of its residents are renters. When EPA was incorporated in 1983 the first law passed by its city council was its Rent Stabilization Ordinance which includes eviction protections.

ISLA VISTA

Tenant Union Celebrates 10th Anniversary

The Isla Vista Tenants Union is celebrating its 10th Anniversary. The current IVTU was built by a surge of action after 36 Latino tenants were evicted from the Colonial, Balboa, and Cortez apartment buildings in the summer of 1998.

A coalition of students and evicted tenants recognized the need to educate and empower tenants, and a year later formed the Isla Vista Tenants Union under UCSB Associated Students.

ISLA VISTA is an unincorporated area of Santa Barbara County. In 2006, its population was just under 20,000. 2000 census numbers indicate 95% of its population are renters

LOS ANGELES

Ordinance Extends Renter Protections

On December 17, 2008, the Los Angeles City Council voted unanimously to pass an ordinance to extend rent control eviction protection to all foreclosed rental properties throughout the city.

City Council President Eric Garcetti introduced the law and Tenant Together member organizations **Coalition for Economic Survival** and **Eviction Defense Network**, as well as the Inner City Law Center, were instrumental in its passage.

“The foreclosure crisis and its impact on hardworking Americans is a national disgrace. It’s especially taxing on the forgotten victims -- tenants. They’ve done nothing wrong. Paid their rent on time. This ordinance provides tenants a little bit of hope and justice,” said Larry Gross, Executive Director of Coalition for Economic Survival.



Mayor Villarigosa signs foreclosure eviction law

LOS ANGELES is California’s largest city with an estimated population of 3.8 million. 52% of Los Angeles County residents are renters. LA has rent control with just cause eviction protections.

MAYWOOD

City Passes Just Cause Eviction Ordinance

In October of last year the Maywood City Council passed a just cause eviction ordinance that will help prevent unfair evictions. Union de Vecinos, a community organization based in Los Angeles, was active in the fight to get the law passed.



Union de Vecinos leads a just cause

Many tenants in Maywood were reporting abuses from their landlords, serious habitability issues in their rental units, and arbitrary evictions. The foreclosure crisis was exacerbating this issue and local activists saw a serious need to protect the rights of tenants.

The ordinance spells out what can be considered just cause for eviction. The law also requires that landlords who evict because of owner move in, to remove the unit from the rental market, or because of a government order, to pay relocation payments of double the market rent plus \$1000. The law which went into effect on December 1st was a major victory for tenants.

MAYWOOD is a small city in southern Los Angeles County. Its population is approximately 30,000. About 71% of its population are renters.

SAN DIEGO

Broad Coalition Demands Renters Rebate

On November 19, San Diego held a widely covered press conference as part of the statewide day of action for the renters rebate. An impressive coalition of disability rights activists, tenant advocates, mobile home residents, and senior advocates joined together outside the Governor’s regional office to demand the full restoration of funding of the program.



Disabled and seniors speak out

Some 40,000 senior and disabled renters in San Diego County rely on the annual rebate for essentials like rent, food, and medicine.

The event received widespread media attention and was a highlight in the statewide day of action. Participants included California Alliance for Retired Americans, Disability Rights California (DRC), the Affordable Housing Coalition, Access to Independence (a2i), AARP, and GSMOL. Connie Soucy of a2i organized the successful event.

The state budget crisis should not be shouldered by “its most vulnerable citizens,” said DRC attorney Ann E. Menasche.

SAN DIEGO, California’s second largest city with more than 1.3 million people, has just cause eviction protections, but no rent control law. San Diego County’s population is about 3 million people, some 45% of them renters.

SAN FRANCISCO

Voters Pass Anti-harassment Ordinance

In November 2008, San Francisco voters passed by a large margin a ballot measure to stop landlords from harassing tenants or pressuring them to leave so that the rent can be raised.

The measure added to San Francisco’s rent control law a section defining and prohibiting harassment. Now tenants can get a rent reduction when victimized by harassment and get attorneys fees for fighting off bogus eviction attempts.

A coalition of local activists believed the law was necessary because some of the city’s most notorious landlords such as Skyline Realty/CitiApartments routinely harassed tenants to push them out of their homes in order to raise rents. The coalition included Tenant Together member organizations **San Francisco Tenants Union**, **Housing Rights Committee of San Francisco** and the **Eviction Defense Collaborative**.

SAN FRANCISCO is the fourth most populous city in California with an approximate population of 800,000. 65% of its residents are renters. SF has a rent control ordinance with just cause eviction protections.

STATE LEGISLATIVE UPDATES

Tenants Together monitors tenant-related legislation in Sacramento. Here's a summary of what's happened in the past few months and a look at what's on tap for 2009.



Creative Commons photo by Parafflyer flickr.com

NEW LAWS ENACTED

✓ SB1137 Increases eviction notice period to 60 days

In July 2008, the California Legislature passed SB 1137 a law designed to address the adverse effects of the state foreclosure crisis. The law was introduced by Senator Don Perata (D-Oakland). In addition to providing protections for homeowners, the measure protects tenants by increasing the eviction notice period from 30 to 60 days in certain foreclosure situations and requiring notice to tenants of the trustee sale.

The 60-day notice requirement does not apply "if any party to the note [i.e., mortgage] remains in the property as a tenant, subtenant, or occupant."

The law sunsets January 1, 2013.

✓ AB2052 Allows for early termination of lease without penalty for victims of domestic violence

This law, which was introduced by Assemblymember Ted Lieu (D-Torrance), permits a victim of domestic violence, sexual assault, or stalking to terminate a residential lease early without financial penalty.

The victim must provide the landlord written notice, as well as a protective order or a statement from a qualified third party. The request to terminate the rental agreement must occur within 90 days of the incident of domestic violence or other abuse.

For more information on these and other legislative issues visit our website www.tenantsaltogether.org
Be sure to sign up for our email alerts to stay up to date on what's happening in Sacramento and across the state.

GOVERNOR'S RECENT VETOES

VETO! AB2818 Preservation of public housing units

Introduced by Assemblymember Dave Jones (D-Sacramento) the bill would have required local housing authorities to provide notice to residents and hold public hearings on proposed dispositions of public housing. It also would have required local housing authorities to provide relocation assistance to residents in case of displacement and to replace demolished or sold public housing with units affordable to the displaced tenants.

VETO! AB1333 Prevention of Utility Shut-Offs

This bill, sponsored by Assemblymember Loni Hancock (D-Berkeley), would have provided that the legal owner of real property must pay the utilities provided to a property or its tenants following a foreclosure under specified circumstances.

The bill addressed numerous reports of situations where tenants were paying utility costs to the landlord, but landlords were not paying the utility service provider, resulting in termination of essential tenant services.

The bill also would have allowed a municipal utility district to place a lien on a property for delinquent fees or charges for the furnishing of water or sewer service to residential property.

VETO! AB2586 Recovery of Security Deposits after Foreclosure

This bill, introduced by Assemblymember Alberto Torrico (D-Fremont) and sponsored by the Western Center on Law and Poverty, would have provided relief for tenants in foreclosure situations.

The bill sought to clarify that post-foreclosure owners are treated as landlords for purposes of numerous tenant protection provisions of California law. For example, the bill clarified that post-foreclosure owners are responsible for returning security deposits to tenants in the event of foreclosure, an issue that has been the subject of much dispute.

VETO! Homeowners and Renters Tax Assistance Program (Renters' Rebate)

In September 2008, Governor Schwarzenegger used his line item veto to eliminate all \$191 million of funding for this longstanding tax rebate program, including \$150 million allocated for renters. The funding, which has been included in the legislature's budget, provides modest tax rebates to low income senior, blind, and disabled tenants.

The elimination of funding for the rebate was his single largest cut from the 2008 budget. The Governor also did not include funding for the program in his proposed 2009 budget.

COURT WATCH

We monitor the development of landlord-tenant case law, with a particular concern towards maintaining tenants' rights and remedies in the court system. Details on these cases and others are available on our website.

UPCOMING BILLS

SB290 **Preservation of 60-Day Eviction Notice Requirement**

The requirement that landlords provide tenants with 60-days notice for eviction, rather than 30-days, is set to expire January 1, 2010. Senator Mark Leno (D-San Francisco) has introduced SB 290 sponsored by the Western Center on Law and Poverty. The principal coauthor of the bill is Assemblymember Alberto Torrico (D-Fremont). The bill would remove the sunset provision and make the law permanent.

SB120 **Prevention of Utility Shut-Offs**

Senator Alan Lowenthal (D-Long Beach) has introduced SB 120, sponsored by the Western Center on Law and Poverty (WCLP), to protect tenants after foreclosure from utility shut-offs and from losing their security deposits.

This is virtually identical to AB 2586 which passed the legislature last year but was vetoed by the governor (see Governor's Recent Vetoes). The legislation responds to the difficult situation faced by many tenants after foreclosure when banks fail to pay utility bills and refuse to return security deposits, claiming they are not "landlords."

PUBLISHED DECISIONS

RHANAC v. City of Oakland **Court Upholds Just Cause for Eviction Law**

Court of Appeal has upheld Oakland's Just Cause for Eviction Ordinance against a landlord challenge. The ruling puts to rest many of the arguments that landlords have been using for years to attack local eviction protection laws.

Espinoza v. Calva **Court Rules for Tenant in Uninhabitable, Illegal Unit**

Court reversed judgment for landlord in nonpayment eviction action in Santa Ana where unit was "untenantable" under state law and illegal under local law. The Court of Appeal harshly criticized the unfair treatment of the tenants by the trial court judge who had ruled for the landlord.

Clark v. Mazgani **Court Protects Tenants Right to Sue for Fraudulent Eviction**

After a successful request by Tenants Together and other allies, the Court of Appeal published this decision finding that a landlord who engaged in an illegal eviction was not entitled to hide behind California's anti-SLAPP statute (a law designed to protect people from being sued for exercising constitutional rights). The case stands in contrast to other appellate court decisions that unfairly extend the anti-SLAPP statute and related "litigation privilege" to protect illegal conduct by landlords.

VERDICTS & SETTLEMENTS

O'Flynn v. Suval – Judge Disregards Law to Evict Disabled Tenants

A San Francisco Superior Court judge ignored California law to evict a tenant who lived in her home for over 30 years and uses a wheelchair. The Court allowed eviction under the Ellis Act despite the fact that the landlord had entered into a contract with the city to keep the unit as affordable rental property. The tenant is appealing with the help of the **Tenderloin Housing Clinic**.

Bisnar v. Kiniry – Huge Verdict In Apartment Fire Case in Kings County

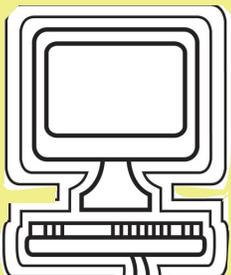
In one of the largest wrongful death judgments in Kings County history, relatives of a family who died in a devastating apartment fire won \$29 million against their landlord, Lemoore Real Estate and Property Management, and the property owner. The judge found the landlord was negligent in maintaining the property, noting a letter from the property management firm six months before the fire stating "smoke detectors are not in place in most units."

Woods v Alexandria Housing Partners: --- Million Dollar Settlement for Low-Income Tenants at Los Angeles Residential Hotel

Tenants at the Alexandria Hotel sued alleging that defendants "systematically and intentionally worked to remove the long-term tenants of the Alexandria and replace them with non-elderly, non-disabled and non-African American tenants." Under the settlement, the building owners and managers will pay \$550,000 to the named plaintiffs and the city and redevelopment agency will pay \$400,000 into a fund for other building tenants not named in the case.

VISIT US ONLINE

www.TenantsTogether.org



YOUR REGION

Find out about news, alerts, resources and more in your area.

NEWS AND UPDATES

All the important tenant news from across the state.

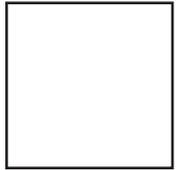
SIGN UP FOR EMAIL ALERTS

We'll keep you updated on all the latest issues and tenant developments across the state.

SHARE YOUR STORY

Share your housing story here so that other tenants might be inspired by your experience, so that media and policy makers can learn about the struggles of tenants in California, and to expose the practices of unscrupulous landlords.

995 Market Street, Suite 1202
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 (415) 495 - 8100



ADDRESS LABEL HERE



Support the California movement for tenant rights.
Join Tenants Together today!

MEMBERSHIP FORM

NAME

ORGANIZATION (if applicable)

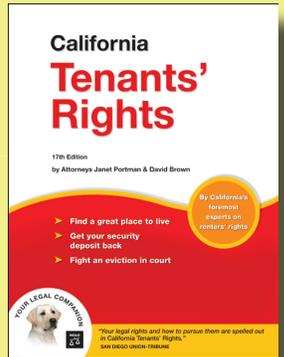
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FREE BOOK!



Members get a free copy of the Nolo Press book *California Tenants' Rights* a \$25 value!

Individual Membership

- \$25 Basic
- \$50 Supporting
- \$100 Activist
- \$500 Trailblazer

Organizational Membership

- Tenant association \$50 \$100 \$250
- Nonprofits \$100 \$250 \$500
- Other organizations \$100 \$250 \$500 \$750

Please check the box to indicate support of tenant rights, a requirement for membership.
 I / We support strengthening and advancing tenants rights in California.

If you or your organization would like to become a member of Tenants Together but cannot afford these membership rates, please contact us at 415.495.8100.

Send form with check/money order to:
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