

MAKING OAKLAND HOUSING SECURE

INCREASED LEGAL REPRESENTATION AND FINANCIAL ASSISTANCE FOR OAKLAND RESIDENTS

October 2018 - September 2019



ALAMEDA COUNTY HOUSING SECURE

CENTRO
LEGAL DE LA RAZA

EXECUTIVE SUMMARY

- A total of 513 tenants and homeowners have received legal services in the first year of Oakland Housing Secure.
- Increased legal services capacity has improved outcomes in eviction defense and increased the number of tenants reached through early intervention services. These early intervention services are often a more efficient way to address displacement pressures, reducing the need for lengthy litigation and reaching higher numbers of people.
- The vast majority of Oakland residents served through the program are extremely low-income. Tenants throughout Oakland are accessing the program, and usage is higher in high-poverty census tracts.
- Additional successful efforts have been made to ensure that the African American community is served, and we continue to refine those efforts to improve equity. These include siting weekly legal services clinics in West Oakland and Eastmont.
- Legal services providers are able to keep a majority of clients represented in unlawful detainer (eviction) lawsuits in their home. The next most common outcome is a settlement agreement that provides time or money for the tenant to move.
- Preliminary data shows that six months after services, all the respondents surveyed were still living in Oakland and none were homeless.
- Tenant legal services providers see a pattern of landlords repeatedly attempting to evict vulnerable long-term rent-controlled tenants on bad faith grounds in the hope that the tenant will give up and move, fail to obtain legal services or fail to respond in a timely manner and be evicted by default.
- The OHS Emergency Financial Assistance (EFA) program disbursed \$52,904.89 to tenants and \$35,891.67 to homeowners for a total of \$88,796.56 in its first six months of operation. Usage of EFA grants is increasing.
- The widespread availability of emergency financial assistance has substantially improved advocates' ability to defend tenants against evictions and keep homeowners in their homes.
- 1,942 people have been reached through outreach efforts by the Alliance of Californians for Community Empowerment (ACCE) and Causa Justa :: Just Cause. ACCE has implemented an outreach plan targeting African American residents through door knocking in majority African American neighborhoods, outreach at high visibility events, outreach to key institutions, and presentations at community and tenant meetings.
- We see a need to complement the legal services provided with social services that can further address clients' housing instability through a comprehensive wraparound model. There is also a need for additional ongoing housing subsidy programs that can keep low-income residents in Oakland as housing costs rise.

ABOUT OAKLAND HOUSING SECURE

Oakland Housing Secure (OHS) seeks to increase housing security for the City of Oakland’s low-income tenants and homeowners most at risk of displacement. Administered by Centro Legal de la Raza, Centro and our partner legal service providers below provide free legal services to low-income communities disproportionately impacted by the current housing affordability crisis.

Oakland Housing Secure legal services providers include:

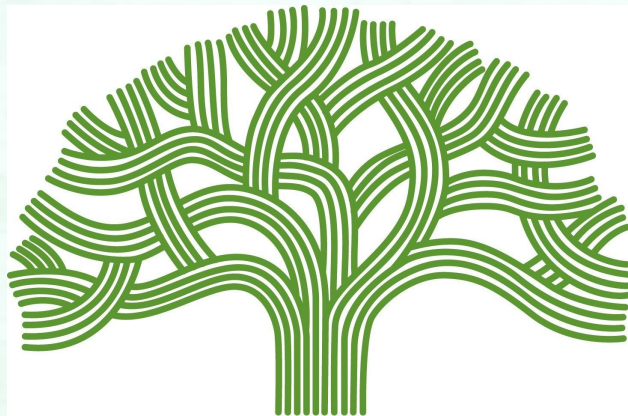
- Centro Legal de la Raza
- East Bay Community Law Center
- Housing and Economic Rights Advocates
- Asian and Pacific Islander Legal Outreach

Oakland Housing Secure outreach and education providers include:

- Causa Justa :: Just Cause
- Alliance of Californians for Community Empowerment, ACCE

Through legal consultations and full scope representation, the program enforces the rights of tenants and homeowners, thereby stabilizing their housing and avoiding displacement. Building upon the model of the Alameda County Housing Secure (ACHS) program launched in May 2018, OHS deepens the reach and impact of anti-displacement work in Oakland. Oakland Housing Secure takes a three-fold approach to expanding anti-displacement services, specifically:

1. **Increased legal service capacity** at Centro Legal de la Raza, East Bay Community Law Center, Housing Economic Rights Advocates, and Asian and Pacific Islander Legal Outreach to expand the legal services available to tenants and homeowners at risk of displacement.
2. **Marketing, Outreach and Education** efforts ensure that Oakland’s underserved and diverse populations most in need of legal housing services are reached, and as a result are more informed of their rights, resources, and options and are better prepared to successfully resolve their housing issues. Communications and services are provided in English, Spanish, and Asian languages. Targeted outreach to the African American population is made via legal services clinics sited in African American majority neighborhoods as well as door knocking, tabling at events, presentations to community meetings, and outreach to key institutions.
3. Short-term **emergency financial assistance** is available for clients receiving legal services to assist them with housing costs such as rent or mortgage payments. This assistance stabilizes households, prevents the immediate loss of housing, and reduces the risks of future loss of housing.

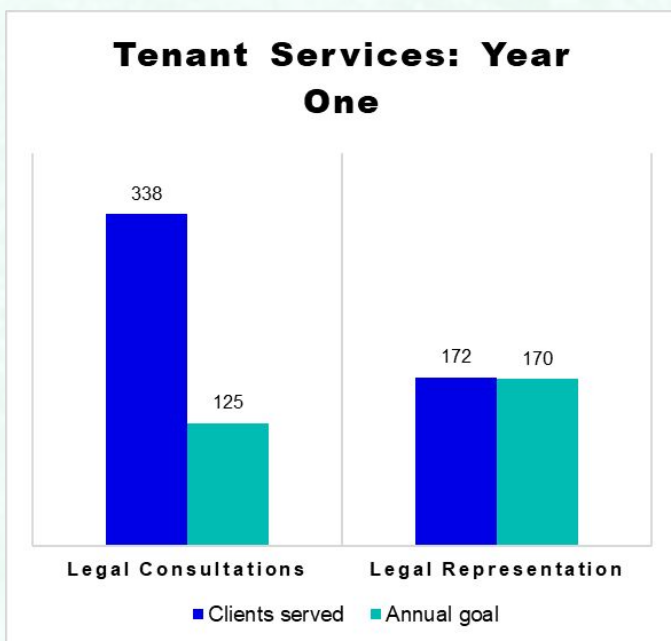


IMPACT: Empowering Oakland Residents At Risk of Displacement

Oakland Housing Secure, alongside other anti-displacement programs such as Alameda County Housing Secure, significantly increased the capacity of legal services providers to meet the needs of Oakland residents most at risk of displacement.

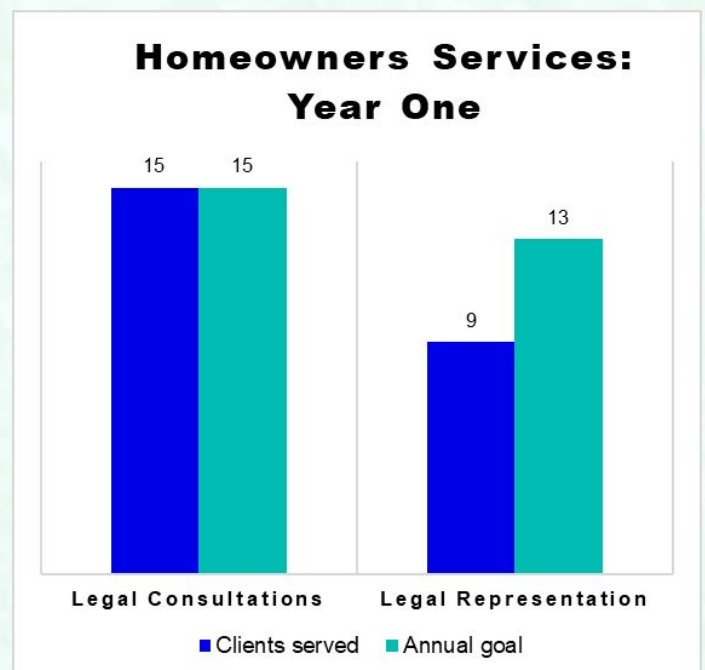
In Year One, 513 Oakland tenants and homeowners received legal services through OHS.

An additional 461 Oakland tenants and 17 Oakland homeowners have been served through Alameda County Housing Secure, a similar program at the county level also administered by Centro Legal.



OHS provided **270%** of the target number of **tenant legal consultations** and **101%** of the target number of **tenant legal representations**.

OHS provided **100%** of the target number of **homeowner consultations** and **69.2%** of the target number of **homeowner legal representation services**.



SUCSESSES: The Impact of Increased Legal Services Capacity

- Greater overall **capacity to provide legal services** to an unprecedented number of Oakland tenants.
- Increased resources and **capacity to provide full-scope representation** in unlawful detainer (UD) matters, allowing advocates to vigorously defend bad faith eviction lawsuits.
- High number of very low-income and extremely low-income residents and **communities most at risk for displacement served.**
- **Increase in early intervention:** More efficient and more effective early stage legal service interventions for low-income tenants and low- and moderate-income homeowners at risk of displacement.
 - Increased number of community-based drop-in legal clinics in the Fruitvale, Eastmont and West Oakland neighborhoods. At these clinics, free legal consultations and Know Your Rights education reduce the number of tenants who unnecessarily move out of their homes when they receive invalid notices to quit or bad faith eviction threats.
 - Intervening at the notice stage reduces the need for lengthy legal services at the UD stage. In addition, advising one person can have a wide impact as they share Know Your Rights information with their neighbors and community.
- **Improved settlement outcomes in unlawful detainer lawsuits**
 - The widespread availability of Emergency Financial Assistance (EFA) through OHS, ACHS, and Keep Oakland Housed (KOH) has substantially improved advocates' ability to defend tenants against evictions and keep them in their homes.
 - Providers now have resources and capacity to utilize a richer array of litigation tools, such as depositions and written discovery, leading to better settlement and trial outcomes..
- **Broader scope of legal services:** Motions to Set-Aside Default Judgments.
 - Participating legal service providers now have the ability to go into court and set-aside judgments entered against tenants who have missed the five-day window to respond to a UD. This addresses a prior gap in services in Oakland. Without increased legal service capacity this would not have been possible, and the tenants would likely be displaced.

DEMOGRAPHICS: Reaching Those Most At Risk of Displacement

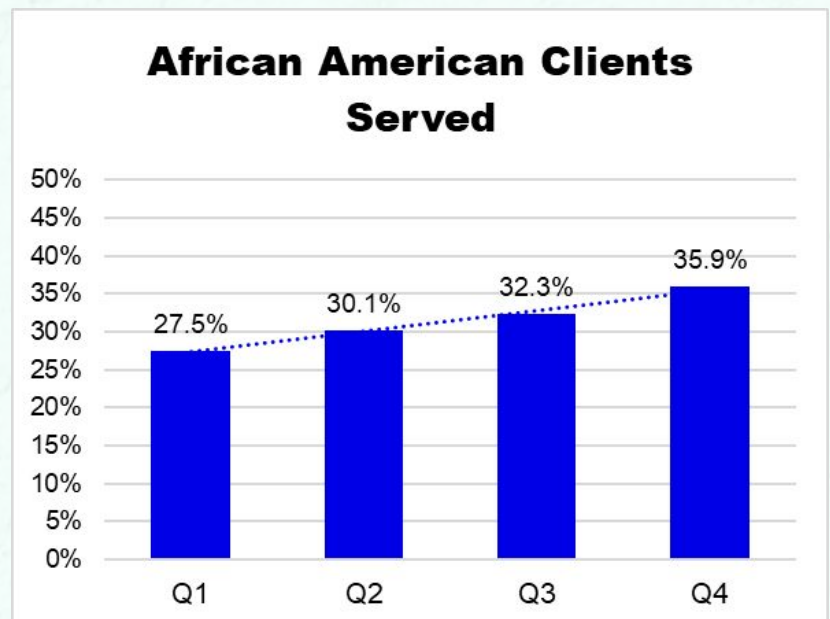
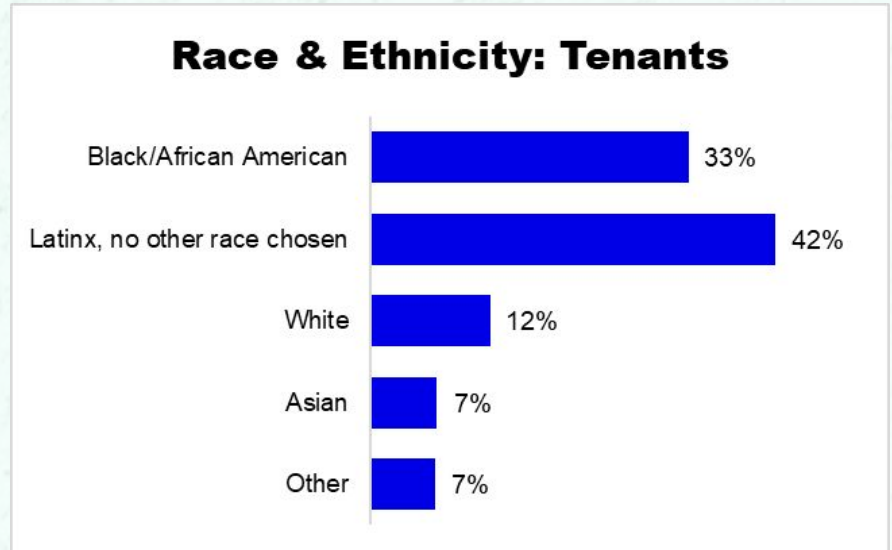
Tenants: Race, Ethnicity, & Equity

The clients served through OHS reflect the needs of different communities in the city. The vast majority of the tenants served through OHS are African American or Latinx.

It is especially important that this program successfully reach the African American community because majority African American neighborhoods are the most affected by evictions and displacement (2018 Oakland Equity Indicators Report). Majority mixed and Latino neighborhoods have the next highest rates.

As program administrator, Centro Legal implemented strategies to ensure that African American residents are able to access the services they need to stay in their homes, including the addition of sited community legal clinics in the Eastmont district and in West Oakland.

Additionally, increased outreach and education activities are being carried out by the Alliance of Californians for Community Empowerment (ACCE), an Oakland based community organizing non-profit that has strong and long standing relationships with the African American community in Oakland. As shown at right, the percentage of African American clients served has increased steadily over the course of grant Year One. We expect the proportion of African American clients served to continue to increase in Year Two.



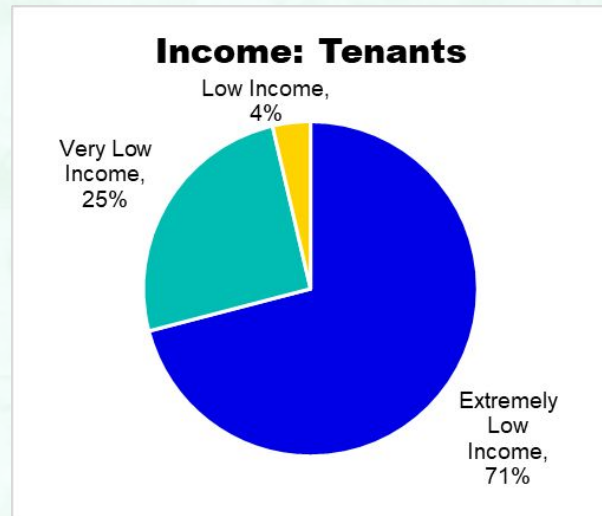
Tenants: Income & Housing Cost Burden

The vast majority of the tenants served through OHS are extremely low income (0-30% AMI). A significant number of tenants served are very low income (30-50% AMI), and a few are low income (50-80% AMI).

A housing cost burden of 48% is disturbingly high and reflects the vulnerability of clients served to displacement. The federal standard for housing affordability is 30% of income spent on housing costs. Housing cost burden is typically high in the Bay Area, especially among low-income tenants, due to the extremely high cost of housing in the area and the failure of wages to keep pace. A high housing cost burden indicates that residents have less money left over for other expenses or savings, and they are more vulnerable to displacement because any fluctuation in income or expenses could lead to not being able to pay rent.

Average housing cost burden for tenants:

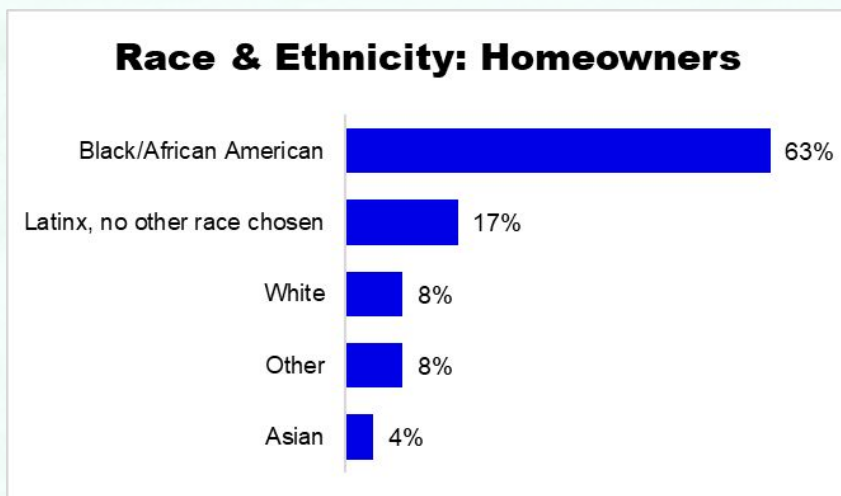
48%



Demographics of Homeowners Served

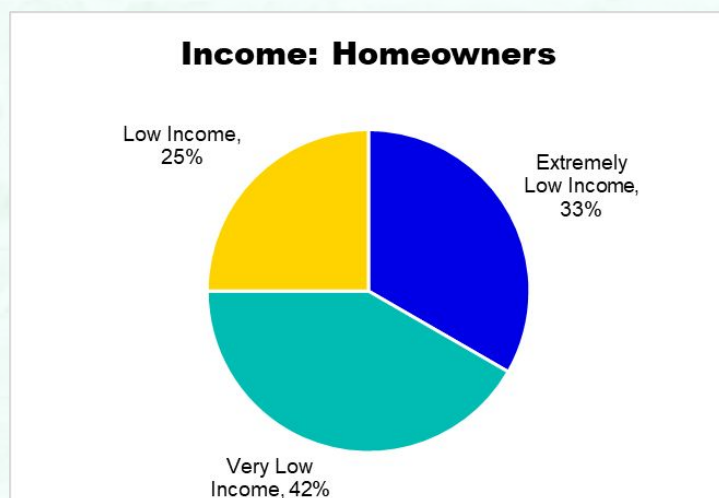
The majority of the homeowners served through OHS are African American, and 17% are Latino. 42% are very low income (30-50% AMI), 33% are extremely low income (0-30% AMI), and 25% are low income (50-80% AMI).

The housing cost burden for homeowners served through OHS is 52%. A housing cost burden over 50% is considered severely cost burdened. A high housing cost burden indicates that residents have less money left over for other expenses or savings, and they are more vulnerable to displacement because any fluctuation in income or expenses could lead to not being able to pay their housing costs.



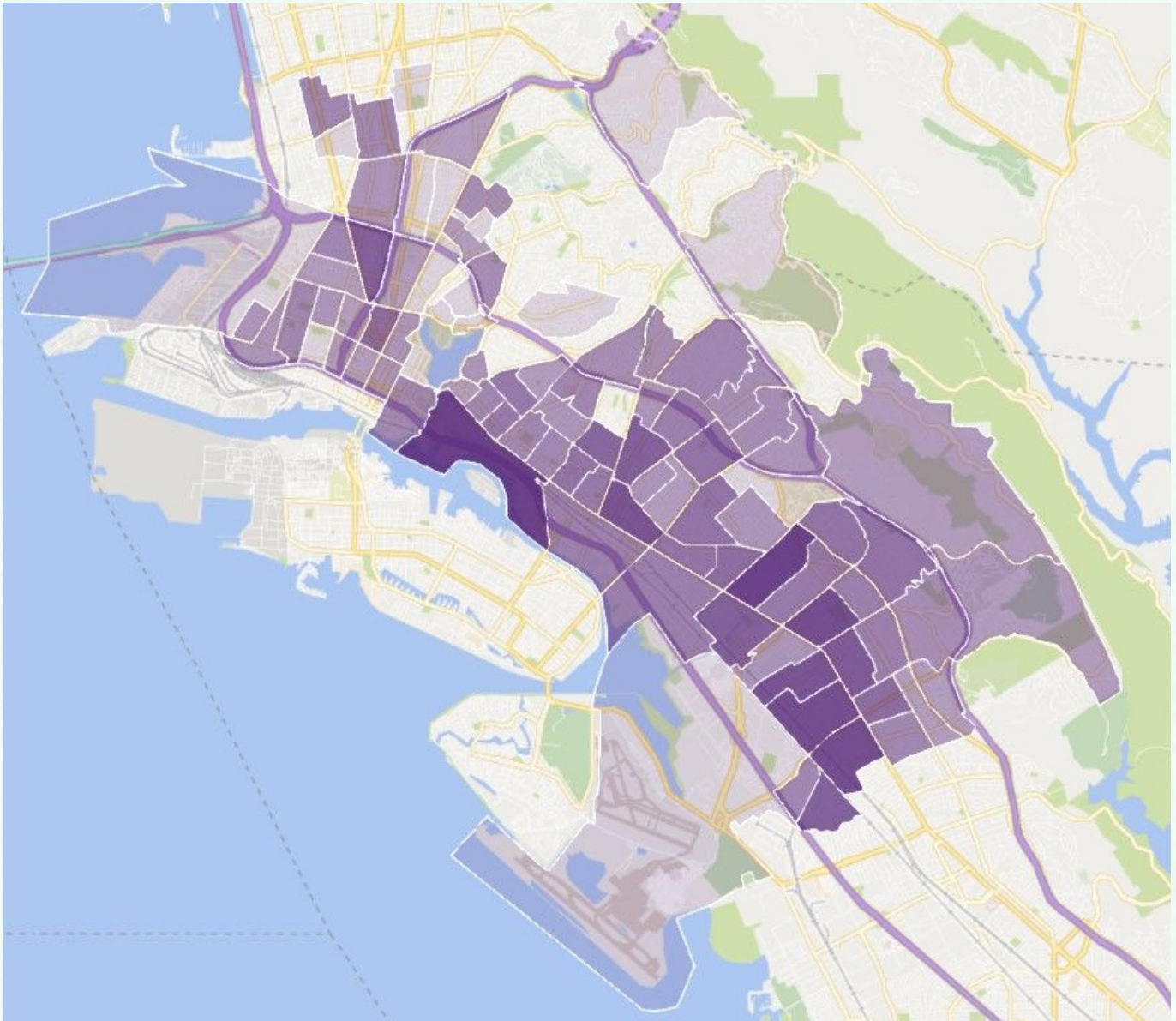
Average housing cost burden for homeowners:

52%



Geography of Clients Served

The map below shows where the clients served by OHS live. We are working to ensure that the services provided by OHS reach the Oakland residents most at risk of displacement, and that low-income residents are aware of and take advantage of the services available. Our preliminary analysis of the data on clients served by census tract indicates that residents of high-poverty areas are using the services provided by OHS.

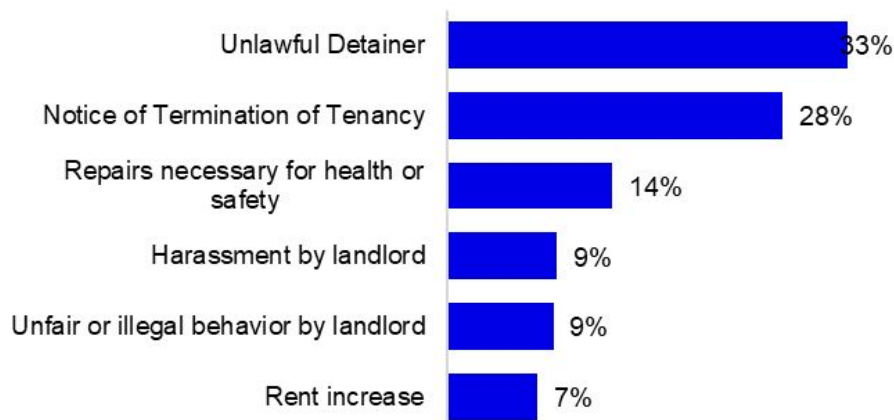


Density of services provided in the City of Oakland. Darker shades indicate more clients served in that census tract.

IMPACT: Case & Client Outcomes

Tenant Challenges and Case Outcomes

Threats of Displacement: Tenants

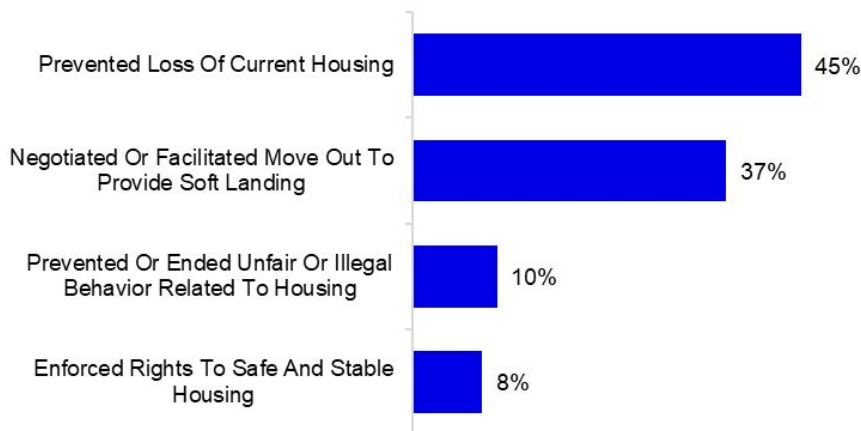


As shown to the left, the threats most commonly faced by tenants served by OHS are notices of termination of tenancy and unlawful detainers (evictions). Rent increases, lack of repairs, harassment, and unfair or illegal behavior by the landlord also contribute significantly to displacement pressures.¹

The outcomes for tenants who receive full representation through OHS are most commonly the preservation of their current housing and negotiated move-out agreements. The increased capacity created by OHS and similar programs has led to an increased ability to keep tenants in their homes. When it is not possible to keep a tenant in their home due to gaps in current tenant protections or the tenant's particular situation, negotiated move-out agreements provide the tenant with additional time or money to help them move. These agreements give tenants some agency over the process and help prevent homelessness.

The remaining common outcomes are ending unfair or illegal behavior and enforcing rights to safe and stable housing. In both cases the threat of displacement is resolved.

Case Outcomes: Tenants



1. Please note that the data shown here is not fully representative of the issues facing tenants. Rent increases are underrepresented here because many of those cases are reported to other contracts. Harassment is also underrepresented because providers often do not have the resources to address harassment directly and instead address the particular method the landlord is using to harass the tenant at the moment.

Follow-Up Survey: Outcomes After Six Months & One Year

Six months and one year after the conclusion of legal representation or emergency financial assistance, staff at Centro Legal de la Raza call clients receiving these more extensive services to assess the medium-term outcomes of services and assess their housing stability.

The results described here are preliminary, as we have not reached a large enough sample size. We have spoken with 11 tenants, which is a response rate of 25.6%. It is not unusual for phone surveys to have response rates of less than 20%. We will have a more representative sample as the program progresses.

These preliminary results point to several key successes and challenges. Most importantly, six months after the conclusion of services:

- None of the tenants surveyed are homeless
- All tenants surveyed continue to live in Oakland

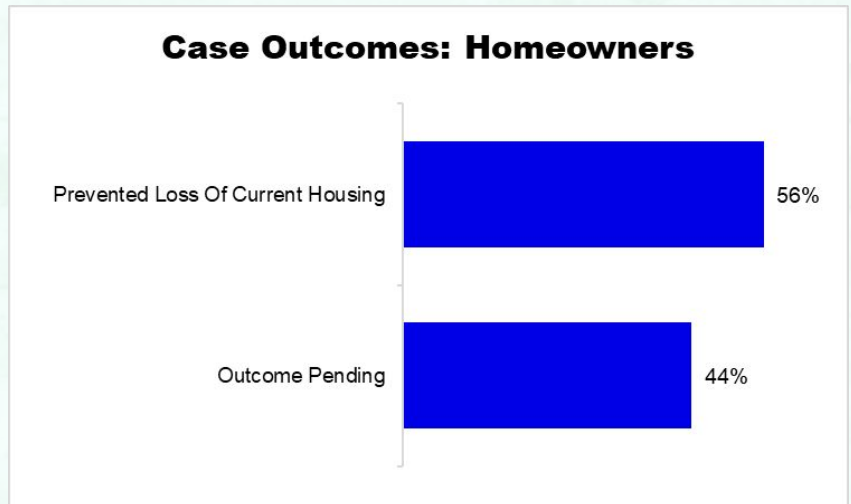
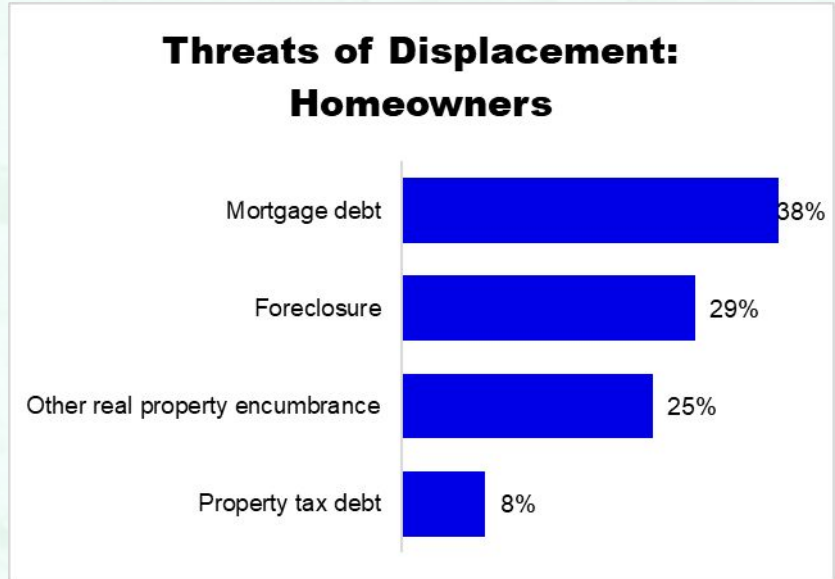
For the tenants whose cases concluded in move-out agreements, there are signs that the legal services they received helped provide them with a “soft landing.” All of the tenants interviewed are renting permanent housing; none are “couch-surfing” or in other temporary situations. 83% of the tenants who moved out moved immediately to their new residence, indicating that their agreements provided them with sufficient time or money to find a new place.

However, the challenges facing low-income residents in Oakland are also reflected in these surveys. The tenants who moved out of their original residences have an average housing cost burden of 69%, which is significantly higher than the average housing cost burden of tenants served through OHS (which is 48%). This likely reflects the fact that rent-controlled tenants automatically face a less affordable housing market if they lose their tenancy. For Centro Legal’s clients who signed move-out agreements, we know that they were unable to stay in their previous residence due to ongoing landlord harassment or the landlord’s failure to get appropriate permits for the unit. In addition, 55% of all the tenants interviewed reported signs of housing instability such as occasional difficulty paying rent or utilities, difficulty getting landlord to make timely repairs, or saying that they are likely to move out within the next two months due to pressure from their landlord. These issues point to the ongoing need for legal services to keep tenants in their homes.

Homeowner Challenges and Case Outcomes

As shown to the right, the threats most commonly faced by homeowners served by OHS are mortgage debt and foreclosure. Other forms of real property encumbrance and property tax debt also contribute significantly to displacement pressures. Real property encumbrances of OHS clients have included an IRS tax lien, judgment liens, rehabilitation liens, and a mechanic's lien.

The outcome for homeowners who receive full representation by OHS is most commonly preservation of their housing. The remainder are awaiting an outcome. Homeowners' cases can be reported to OHS while the outcome is pending because these complex cases can take several years.



KEEPING LONG-TIME OAKLANDERS IN THEIR HOMES

The following client cases illustrate a patterns providers have seen in how Oakland residents are displaced. For tenants, providers see a pattern of landlords repeatedly attempting to evict vulnerable long-term rent-controlled tenants on bad faith grounds in the hope that the tenant will give up and move, fail to obtain legal services or fail to respond in a timely manner and be evicted by default. Access to free legal services for low-income tenants is invaluable for preserving such vulnerable tenancies.

Lisa: Keeping a family in housing they can afford

Lisa is a long-term rent-controlled tenant in Oakland. In early 2018, Lisa's landlord filed an unlawful detainer lawsuit based on a bad faith allegation of failure to submit all recertification documents. Lisa, a single mother of two young children, represented herself and an eviction judgment was entered against her at the hearing. Lisa sought legal services at Centro Legal, and Centro successfully petitioned the court to set aside the judgment and keep Lisa and her children in their home. The landlord then filed a second bad faith unlawful detainer lawsuit on the pretext that Lisa's family member, who provides childcare during the Lisa's work hours, was an unauthorized occupant. Centro negotiated a settlement agreement that allowed Lisa to stay in her home, preserve her Section 8 voucher, and to have her family member present to provide childcare.

Sam: Defending a veteran from bad faith evictions

Sam is a long-term rent-controlled tenant. Earlier this year, Sam's landlord filed a bad faith action for unlawful detainer based on a pretextual false allegation of nuisance. Sam is a senior veteran who has disabilities. The tenant went to EBCLC for help. EBCLC immediately filed extensive discovery requests in search of any evidence that the landlord had to back up their nuisance allegation. In response, the landlord immediately dismissed the case. Several months later the landlord filed another unlawful detainer based on similar false allegations. EBCLC stepped in and again served an extensive discovery request that led to another dismissal. The tenant remains in his home and his Section 8 voucher is preserved.

Michael and Nina: Keeping elderly homeowners in their home

Michael and Nina came to HERA for help when the couple experienced an unanticipated 33% monthly payment increase. The elderly couple with disabilities are on fixed incomes and have owned their Oakland home for 45 years. The drastic increase was a result of an unconventional home improvement loan program. HERA assisted them in negotiating an agreement with the administrator of the loan program so they will not have an obligation to pay moving forward. An emergency financial assistance (EFA) grant drawing from both OHS and ACHS eliminated back debt and allowed the homeowners to remain in their home.

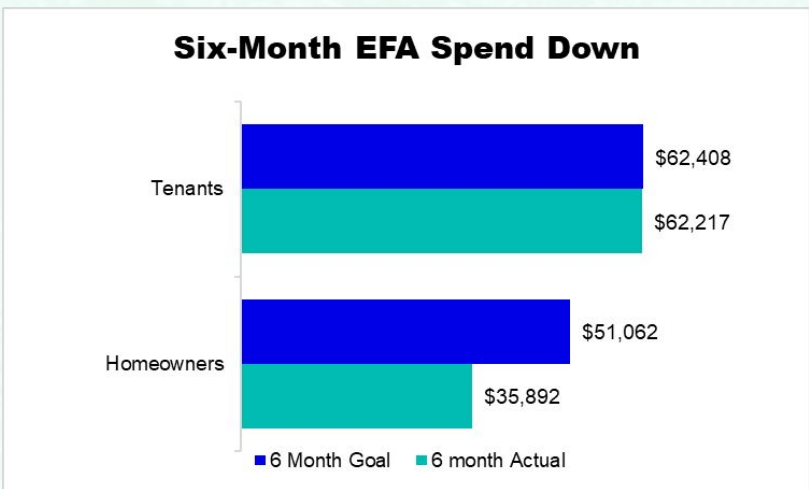
Jane: Multilingual legal services keeps a family in their home

Jane has lived in her rent-controlled apartment for 24 years. Recently, the owners of the building, who live out of state, had their attorney send the tenant a Notice to Terminate. Jane, a monolingual Vietnamese single mother, feared that she would be kicked out and was scared because she did not understand what the papers she had received meant. She sought help from APILO, who were able to explain her rights under Oakland law and immediately put Jane at ease. APILO wrote a letter to the landlord's attorney, pointing out that Jane qualifies for an exemption as a member of a protected class under the Oakland city ordinance. The landlord decided not to pursue the eviction. Jane and her children remain in their home.

EMERGENCY FINANCIAL ASSISTANCE

Centro administers parallel Emergency Financial Assistance (EFA) programs for OHS and ACHS. Oakland residents are served through both programs. The EFA program provides emergency assistance with housing costs to very and extremely low-income tenants, and very, extremely, and low-income homeowners in conjunction with legal services.

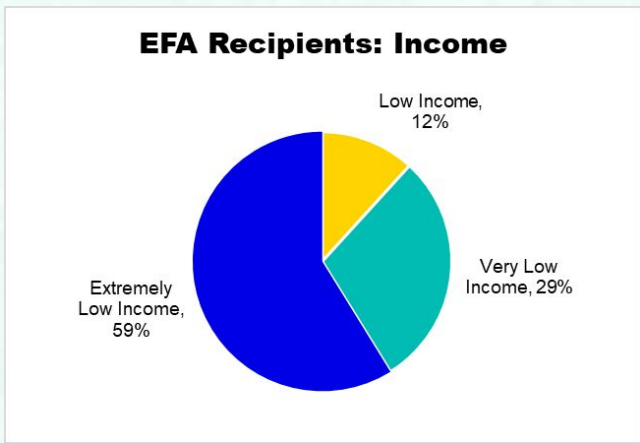
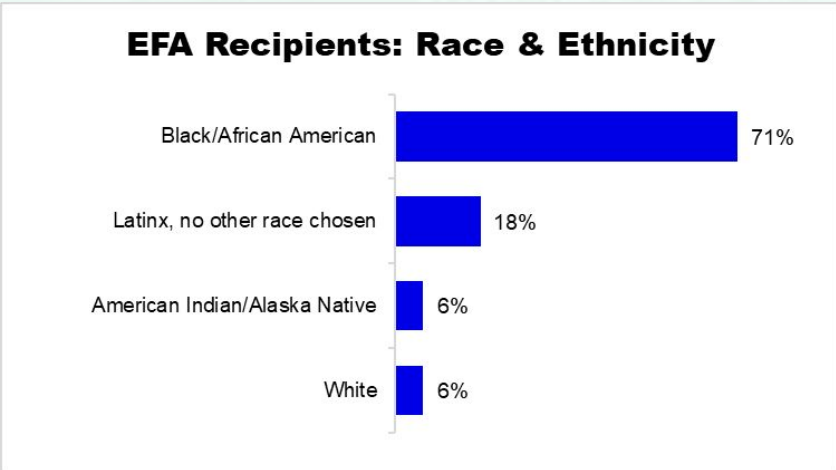
The program is designed to efficiently provide assistance to City of Oakland residents in imminent danger of losing their homes whose housing can be fully stabilized by one-time cash assistance.



In the period April-Sept. 2019, we made **14 EFA grants to tenants** and **3 EFA grants to homeowners** through OHS, disbursing \$52,904.89 to tenants and \$35,891.67 to homeowners for a total of \$88,796.56. In the same period, Oakland tenants received 7 grants totalling \$69,538 from ACHS, and Oakland homeowners served through OHS received an additional \$25,000 from ACHS.

Demographics of EFA Recipients

The majority of EFA recipients are African American, with Latinx being the next most common race or ethnicity. 59% are extremely low income (0-30% AMI), 29% are very low income (30-50% AMI), and 12% are low income (50-80% AMI) (all low-income recipients are homeowners, as tenants are only eligible if they are very low-income or below).



Increasing Use of EFA

EFA applications for Oakland residents increased over the six months that the program has been in operation. In August, we made \$91,703 in grants to Oakland residents, but the majority of the grants were made using Alameda County Housing Secure EFA funds because disbursements outpaced our original invoicing schedule for OHS. In the future, we will be distributing EFA grants to Oakland residents more evenly between the programs. We have also recently revised the EFA guidelines to be responsive to the needs of clients, and we expect to see an increase in EFA applications. In particular, the revised guidelines allow the program to serve homeowners at risk of displacement earlier in the process. HERA is currently preparing three applications for homeowners based on the new guidelines.

Impact of Emergency Financial Assistance

The widespread availability of Emergency Financial Assistance (EFA) through OHS, ACHS, and KOH has substantially improved advocates' ability to defend tenants against evictions.

With EFA, advocates can approach each case knowing that they can take advantage of the opportunities the legal system provides to keep their clients in their homes. The seamless integration of legal services and EFA also helps tenants and landlords avoid resource-intensive litigation. Particularly in cases where tenants are being evicted for non-payment of nominal sums, e.g. one month's rent, the ability to simply pay the back rent saves the time and expense of a prolonged trial, to the benefit of all parties. The ability to make a landlord whole while expending minimal time and resources in litigation also helps to preserve the quality of the landlord-tenant relationship, thereby securing the tenants' housing in the long-term. Finally, the ability to pay back rent in a lump sum prevents tenants from entering extended repayment agreements that leave tenants vulnerable to defaulting leading to immediate eviction for missing a single payment.

OUTREACH & EDUCATION

A New Approach for Reaching Low-Income Oakland Residents At Risk of Displacement

To most effectively stem the tide of displacement within Oakland, OHS took a new approach, creating a program model that combines outreach and education efforts with legal services and emergency financial assistance. This comprehensive approach has yielded positive results as reflected in the program’s success in meeting and exceeding the majority of the annual goals for year one.

Phase 1: Causa Justa :: Just Cause

During the first six months of grant year one, OHS’s Outreach and Education efforts were led by partner agency Causa Justa :: Just Cause. Their service provision model is based on continual bilingual community education in English and Spanish conducted through tabling, fliering, tenant outreach within specific buildings, educational Know Your Rights workshops, and a telephone hotline that provides information and referral, case management, and housing counseling.

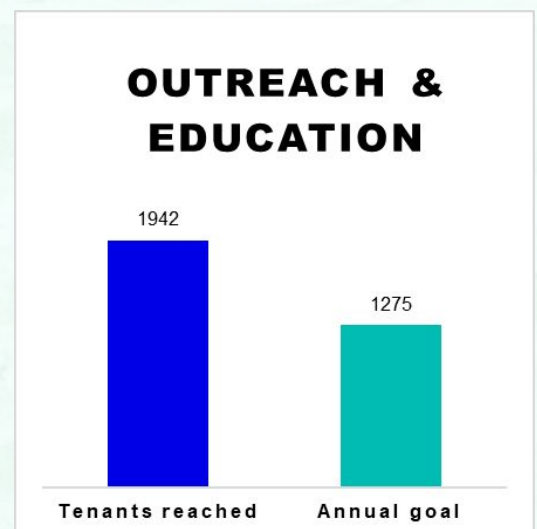
Phase 2: Alliance of Californians for Community Empowerment (ACCE)

In May 2019, ACCE, an Oakland based community organizing non-profit, took over the education and outreach component of the program in an effort to better reach increased numbers of African Americans residing in Oakland. The service provision model was adjusted with a greater focus on Know Your Rights education and targeted outreach to African Americans. Since May, ACCE has reached 1,283 individuals through their combined outreach and education efforts. 325 of these individuals attended ACCE events where Know Your Rights education was provided. These efforts included the following:

- Door knocking in West Oakland and deep East Oakland
- Outreach and tabling at high visibility location and events, such as Eastmont Town Center, WIC Office, Town Hall at Castlemont High School, Black Cultural Zone Block Party, and Center Street Block Party
- Presentations at community and tenant meetings such as Black Housing Union leaders and tenants attending Know Your Rights Workshops delivered by Centro
- Outreach to key institutions such as churches including Pastors of Oakland Union, Kingdom Builders Ministry, and True Faith Missionary Baptist Church.
- Convened a community town hall on September 21st, “Where is Home?: A Community Town Hall for Oakland’s Black Residents”, held at the West Oakland Library. Centro staff participated on a panel. Over 100 people attended.

Year One Results, Findings, and Continuing Efforts:

Combined with efforts from the first six months, outreach and education efforts for the program have reached 1,942 individuals in year one, 152% of the annual goal. ACCE will continue outreach efforts in West Oakland and Eastmont to promote Centro’s community clinics and OHS services. Additionally, Centro Legal has provided outreach materials to and met with staff at the Western Service Workers Alliance, a membership organization of low income service, domestic, in-home care, part-time and temporary workers based in West Oakland, in an effort to reach additional residents of the area eligible for OHS services.



MARKETING EFFORTS

The marketing for OHS builds on the marketing efforts of ACHS. The marketing plan for ACHS includes creating a broad awareness of the availability of services through outreach to elected officials, colleges and universities, courthouses and libraries, school districts, social service and legal service agencies.

To further address the needs of Oakland's diverse populations, targeted outreach efforts have been developed and are being implemented. Centro Legal and Asian and Pacific Islander Legal Outreach (APILO) continue to collaborate on outreach efforts to Asian language clients. In this past quarter, APILO visited and spoke about the program at the Laotian Family Center and the Chinatown Library, as well as distributing materials. We have also created business-card-sized outreach materials in four Asian languages: Chinese, Korean, Vietnamese and Tagalog. These cards are distributed to Asian-speaking communities at strategic locations for maximum impact and access.

These outreach activities will be furthered by marketing efforts on social media, the ACHS webpage, and in traditional media channels such as bus placards and newsletter inserts.

Keeping Oakland Residents Housing Secure

To prevent displacement of Oakland residents, the City of Oakland is offering free legal services and emergency financial assistance to low-income tenants and homeowners. These services enable Oakland residents who are at risk of losing their homes to stabilize their housing, and works to keep Oaklanders in Oakland.



Administered by



Founded in 1969, Centro Legal de la Raza is a comprehensive legal services agency protecting and advancing the rights of low-income communities through bilingual legal representation, education, and advocacy. Our multifaceted approach to legal advocacy is purposefully designed to ensure access to justice for thousands of low-income immigrants, tenants, and workers each year.

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Oakland CA 94601
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CONCLUSION: Emerging Trends & Challenges

While the increased availability of legal services and EFA made possible by OHS and similar programs has made a significant difference in the ability of low-income Oakland residents to stay in their homes, displacement pressures in the region continue to be intense. Tenant providers see a pattern of multiple repeated attempts to evict vulnerable long-term rent-controlled tenants on invalid grounds in the hope that the tenant will give up and move, fail to obtain free legal services, or fail to respond in a timely manner and be evicted by default. We also see an emerging trend of pressuring tenants to sign agreements before the formal legal process begins or early on in the legal process, before the tenant is able to access legal services. These agreements severely abridge the tenant's rights and the strategies available to legal services providers to keep them in their homes. We also see a pattern of dismissal and refiling of UD's, which allows landlords engaging in bad faith evictions to refuse to accept EFA payments and drains tenants' resources for fighting their eviction.

The partnership of legal service providers created by ACHS and further expanded by OHS allows for a coordinated and strategic response to the tactics employed by landlords as they adapt to the increase in eviction defense services and tenant protections. By collectively identifying the trends in these tactics, this partnership of legal service providers can more effectively respond and adjust their service delivery models and legal approaches as necessary.

We also see a need to expand the partnership created by ACHS and OHS to provide social services that can further address housing instability. With the intense pressures created by the regional housing crisis, it is critical that low-income residents get the assistance they need with any issues that might affect their housing stability, or housing search assistance if they must move out of their homes. Finally, there is also a need for additional ongoing subsidy programs that can keep low-income residents in Oakland as housing costs rise.