



CITY OF OAKLAND
newsrelease
Office of the City Attorney

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City of Oakland Goes to Court to Protect Housing for Seniors

(Oakland, CA) Today, Oakland City Council President Ignacio De La Fuente and City Attorney John Russo joined forces to preserve homes for 72 senior citizens threatened with eviction at a project-based Section 8 property in Oakland –The Park Village Apartments at 3761 Park Blvd Way. The Neighborhood Law Corps filed a formal complaint in court today demanding that the landlord, Mortimer Howard, obey state and local law and follow the proper notification process.

“State and local law require that landlords give proper notice when they decide to remove subsidized units from the housing market,” said City Attorney John Russo, who mobilized his Neighborhood Law Corps attorneys to take the uncooperative landlord to court. “Our entire community is impacted by Mr. Howard’s decision to not renew his HUD contract. It’s only fair that we get sufficient time to create a solution for the seniors who are threatened with losing their homes.”

Currently, all the seniors at this apartment building pay only 30% of their fixed monthly income for rent, which for most averages less than \$300. The Section 8 contract with the U.S. Department of Housing and Urban Development (HUD) subsidized the remainder of the rent. Now, Mr. Howard has decided not to renew his HUD contract and is demanding that each tenant pay \$1,192 a month for rent or move out.

“The senior citizens of Oakland deserve a safe and secure roof over their heads,” said Council President De La Fuente. “We will fight to protect these affordable homes in the heart of our city.”

On October 23rd, Howard sent a letter demanding an illegal increase in rental payments from the seniors, many of whom live on fixed incomes or have serious medical conditions. Although the letter purports to give 90 days of notice, the letter threatens, “Failure to pay this amount will result in an action for unlawful detainer” the equivalent of eviction in three days.

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The City's formal complaint alleges the following:

- Violating state law (Government Code Section 65863.10 through 11) which requires owners of Section 8 properties to send proper notification to all "interested parties", such as the City of Oakland, 12 months in advance of terminating their HUD contract;
- Violating the City's rent control and eviction laws by threatening eviction of those that do not pay the rent increase (Oakland Municipal Code 8.22.070 & 8.22.300).

Bay Area Legal Aid is expected to file a related lawsuit later this week to protect the tenants' rights in collaboration with other nonprofit organizations such as the National Housing Law Project.

"Our organization is working to keep these seniors in their homes and preserve this affordable housing for future residents," said Lisa Greif of Bay Area Legal Aid, which provides free legal services to protect low-income clients.

In October 2004, De La Fuente and HUD officials successfully persuaded the landlord to renew his contract. In November 2005, however, the landlord declined to renew the contract. During the past year, HUD officials in the San Francisco regional office tried repeatedly to persuade Mr. Howard to renew his contract, which he is allowed to do for up to five additional years. When it appeared Mr. Howard would not renew, tenants appealed to the City and nonprofits to protect affordable housing at this location.

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