

Evict This!

A History of Housing in West Oakland
and Tools to Resist Displacement



by The East Bay Solidarity Network

The East Bay Solidarity Network

Who We Are

We are a group of people living in and around West Oakland who are angry about the epidemic of foreclosures and evictions happening around us and to us. We recognize all loss of housing as political and seek to understand the many causes and agents of this assault on our homes. This packet covers the history of housing patterns in Oakland, how people have been affected differently, the resources available to help stop an eviction, and information on what our group and others like ours have done to use people power to keep folks in their homes.

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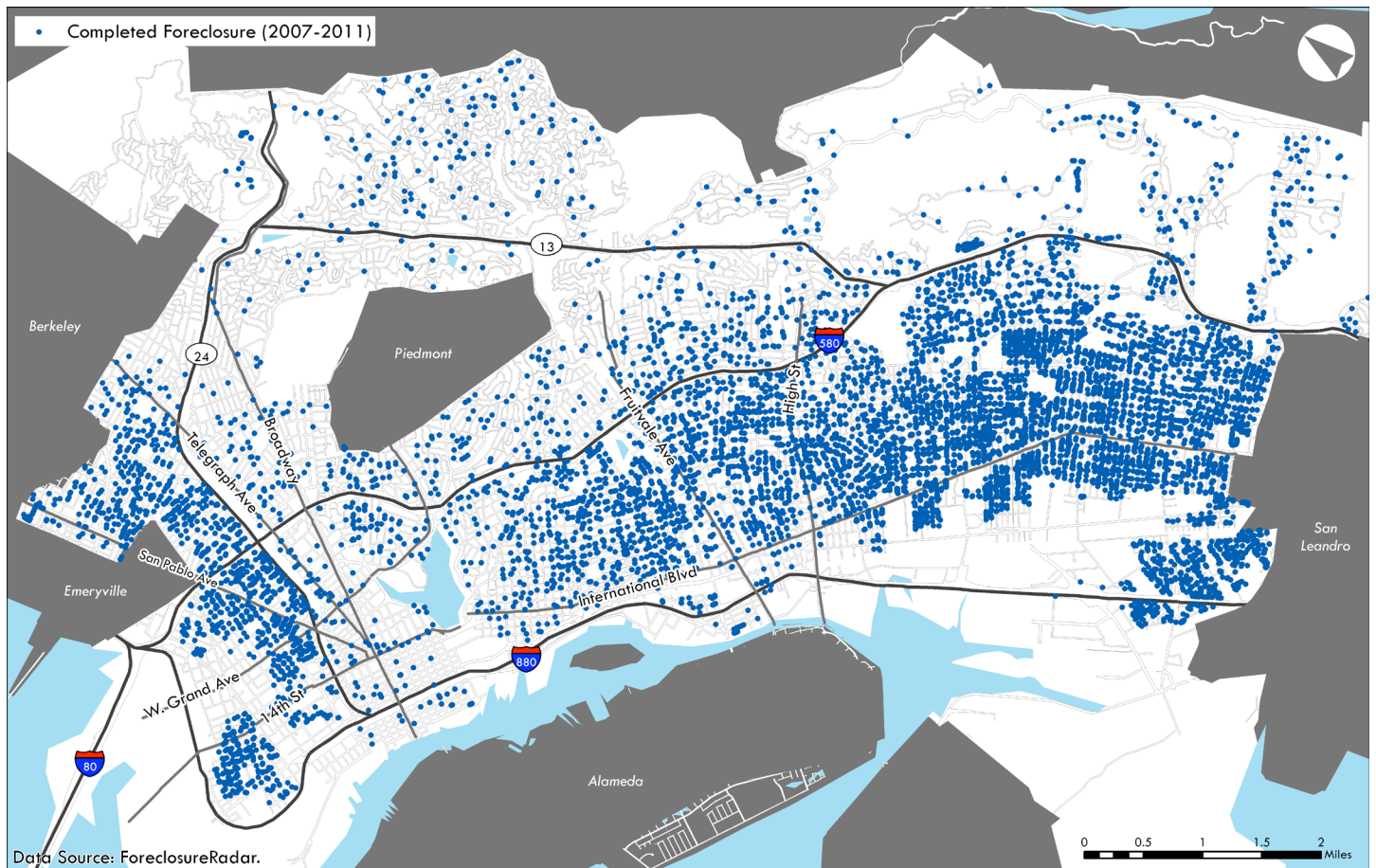
An explanation of the East Bay Solidarity Network and other groups that use direct action to fight evictions.

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Part One

You Are Not Alone



Foreclosure An Epidemic

Out of the 150,000 households in Oakland, 10,000 have been foreclosed on since 2007.

As of 2011:

- 1 in 7 Oakland homeowners had been issued a Notice of Default (they missed two consecutive mortgage payments)
- 1 in 14 had been issued a Notice of Trustee Sale (they were about to lose their home)
- 1 in 14 households had already become REO (Real Estate Owned) status (the mortgage lender acquired them)

Though the rate has slowed recently, the total number of foreclosures keeps climbing. In summer

2013 around 300 Notices of Default and 200 Notices of Sale were filed each month. What is causing this crisis? Why are so many people losing their homes? Who is responsible, and who is benefiting?

The banks would prefer you believe victim-blaming and mystifying answers like “those people shouldn’t have taken out a loan they couldn’t afford” or “that’s just how the system works.” But the crisis is neither an accident on the part of the homeowners nor an unchangeable “law of economics.” To understand it, we must go back to the subprime mortgage crisis, when the economy collapsed in late 2007.

A map of the greater Oakland area illustrating the catastrophic foreclosure trend. Each dot represents a foreclosure completed between 2007 and 2011. (Foreclosure: An Epidemic)

It's Not Your (De)Fault Who Is to Blame for the Foreclosure Crisis?

A subprime mortgage is a loan that costs the borrower more than a regular loan, often through higher interest rates. Banks say that they charge higher interest because they're taking a greater risk in lending to someone with bad credit. In reality, people who have already fallen on hard times are made worse off by having to take on predatory loans.

In the years leading up to the crash, many low income people took out subprime mortgages, and many banks gave them out freely and easily, particularly Bank of America and JPMorgan. Other banks, most notably Goldman Sachs, took subprime mortgages and bundled them, turning them into objects that could be bought and sold by financial institutions. The whole thing became a game in which investors guessed whether the loans would be paid back or not, as if they were gambling. Evidence shows that Goldman Sachs knew these loans had little chance of being paid back, but they conspired with rating agencies to make them look like safe, reliable investments.

During each step of the process, the banks played dirty. Bank employees signed documents without verifying their accuracy, forged the signatures of executives, and fabricated all kinds of information. Official bank documents about deals worth hundreds of thousands of dollars were left full of lies and inaccuracies. In a process known as robo-signing, banks "robotically" gave out loans along with misleading or false information and had them reviewed by unqualified employees. Bank executives issued orders insisting that their employees give out a certain number of loans per day, regardless of whether the loans were fair, realistic, or financially stable. In doing so, banks not only took advantage of those seeking the loans, but also jeopardized the stability of the whole economy.

The banks' habits constitute two huge episodes of fraud. First, banks gave out mortgages by misleading applicants. Then, they turned the mortgages into bundles and portrayed them as safe and reliable investments. Strikingly, 81 percent of the homes foreclosed on since 2007 have been acquired by banks, financial institutions, or government sponsored enterprises. Thus, those institutions that caused the crisis are also gaining wealth from it. The biggest forecloser is Deutsche Bank, based out of Germany, which has foreclosed on 1,511 homes in 2007-2011. Closely following are US Bank, Fannie Mae, Wells Fargo, and Bank of America. These institutions repeatedly engage in financial crimes that harm us, while they run off with the cash.

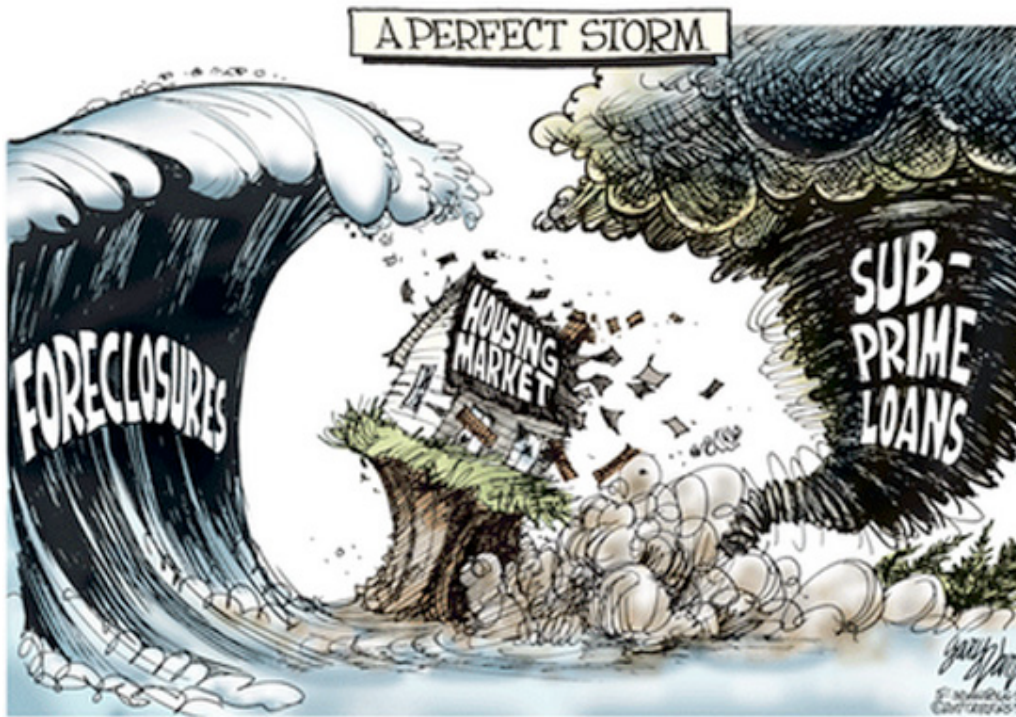
Oakland For Everyone! (Except Oaklanders)

Financial parasites might be quick to grab homes, but they frequently have no interest in keeping them. Instead, they sell them very quickly for profit. The auctions for foreclosed homes favor buyers with cash in hand, so the buyers of flipped properties are often investors. Investors have acquired 42% of the foreclosed properties in Oakland as of 2011.

But are these investors Oaklanders? Usually not. Sixty-six percent of the top thirty biggest investors taking Oakland homes are from outside Oakland. The two biggest investors have been Community Fund LLC and REO Homes LLC.

And the investors don't live in the houses they purchase. They use them as tools to make money, just like the banks. Many investors buy up houses and then sell them quickly to other investors. Community Fund and REO Homes collectively acquired nearly 500 homes from 2007 to 2011. Community Fund has already flipped 120 homes to other investors, making an average profit of about \$71,000 per home. REO Homes has flipped 10 homes and raked in \$187,000 per home. Far from being the fault of home-owners, the foreclosure crisis is more about a group of big-money forces taking people's homes from them and then flipping the houses back and forth among one another, using what used to be someone's home as a token in their profit game.





You Are Not A Loan

Many folks feel embarrassed or isolated when facing an eviction, but eviction is an unfortunate reality for many Bay residents. In 2010, the East Bay Housing Organizations surveyed residents and found that an overwhelming number of renters felt targeted by these changes in the housing market. A majority of respondents (70%) felt that housing in the Bay Area was a huge problem, while over 60% reported spending more than 30% of their incomes on their housing costs. A troubling 26% reported spending more than half of their

Renters' Evictions

Just like foreclosures, evictions are happening all over Oakland and the Bay Area. There are several reasons to be concerned about the future of tenants' rights in the Bay. First, rent has increased dramatically in the Bay Area. Rent rose 6.8% in the last year, while the average national rent rose 3.1%. In recent years there has also been growing demand for housing in Oakland as many tenants in San Francisco are displaced. They find themselves unable to afford rent increases, or are evicted from their homes under the Ellis Act. The Ellis Act, which is supposed to be used for landlords to reclaim their homes in order to be able to sell them or live in them, is being used as a means to vacate homes so that they can be sold and rented to upper class professionals. For those looking for new housing, it's increasingly difficult to find new homes. Vacancy rates in Oakland are only at 2.7%--half of the national vacancy average of 4.7%.

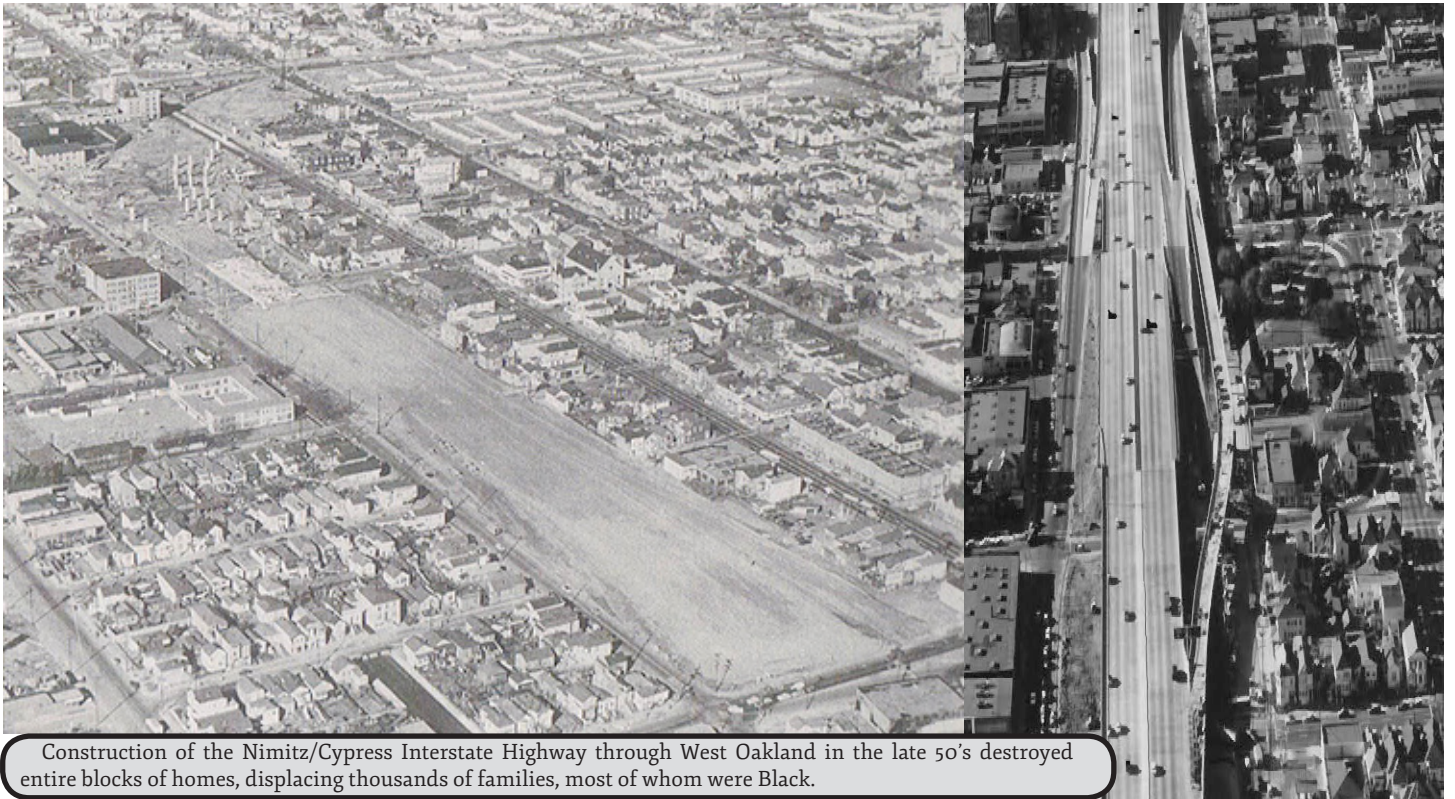
All of these factors make it difficult to be a renter in Oakland. In an environment where housing is already scarce and expensive, it is all the more difficult for renters who either have a bad line of credit or a previous eviction on their records. While there is very little data available on the number of evictions happening on a yearly basis in Oakland, evictions remain commonplace, and should not be written off simply as a consequence of delinquency. It is unreasonable to demand dramatic rent spikes in a city that in recent years has had 22.3% percent of the population living below the poverty line, yet it is unsurprising that many landlords find excuses to evict low-income tenants in order to house tenants willing to pay more.

family's income on rent, leaving very little of their wages left over for other expenses. Moreover, 24% of people stated that they had moved in the past because they had not been able to afford rent increases, and 66% had difficulty finding housing that they could afford. Given these trends, having a tough time paying rent should not be evidence of personal irresponsibility, but more as the reality of a housing market that is growing much faster than peoples' wages.

So, what caused the crisis that is kicking families out of neighborhoods? When you or your friend or your family member is foreclosed on or evicted, it's not because of bad luck or some accident of the economy - it's because of predatory behavior by bankers and investors who demonstrate a callous disregard for the human consequences of their financial gains and an economic system that privileges private property and investment over the basic need of decent housing for all.

Part Two

How We Arrived Here



Construction of the Nimitz/Cypress Interstate Highway through West Oakland in the late 50's destroyed entire blocks of homes, displacing thousands of families, most of whom were Black.



A Long-Contested Neighborhood

Oakland city agencies, the state of California, and the federal government have made many claims to West Oakland in the decades since World War II. Throughout the post-war period, West Oakland has been a perceived threat to the property values of downtown business and city officials have set out to systematically isolate and transform it. Various projects described as “redevelopment” or “urban renewal” allowed the city to redistribute property from homeowners and small businesses to larger corporations. With state and federal redevelopment money, the City of Oakland built freeways and BART stations to make it easier for suburban commuters to get to downtown San Francisco, totally bypassing West Oakland. Residents of this neighborhood quickly realized that redevelopment could erase buildings, but it was far more difficult to erase poverty and the structural racial inequalities that had been built into federal housing policy and private housing markets over decades. Again and again, the economic and transportation needs of the larger Bay Area were privileged over the needs of West Oakland residents. Here, we attempt to explain how the many redevelopment projects in West Oakland between the 1940s and the 1980s served business interests in and around Oakland and caused displacement and disenfranchisement within the neighborhood. We also seek to illustrate some of the ways that West Oakland residents have organized against the destruction of their neighborhoods.

1940s

During WWII, workers migrated from around the country to work in Oakland’s naval shipyards. Sailors and soldiers stationed at the military bases along the bay settled in West Oakland after the war, including a large number of Black workers. Peralta Village was created in 1941, as one of California’s first housing projects, to house wartime workers. West Oakland was also the end of the transcontinental railroad and the West Coast headquarters of the International Brotherhood of Sleeping Car Porters, the first national Black union.

West Oakland in the 40s was also known as the “Harlem of the West” for its thriving Jazz scene. Popular Jazz clubs like Slim Jenkins’ Place, and Esther’s Orbit Room, along with many other thriving black owned establishments, created the 7th Street business corridor.

1950s

After WWII, members of Oakland’s city government realized that the Black workers who came during the wartime economy were going to stick around. In 1949, the federal

government and the State of California simultaneously passed major legislation that provided funding for local renewal projects and public housing and made it easier for cities to acquire property. With these new powers, Oakland’s Planning Commission designated all of West Oakland “blighted,” which allowed the city to use eminent domain to take over any property in the neighborhood.

By the 1950s, older homes in West Oakland were suffering from decades of neglect. But the designation of Black and mixed-race neighborhoods as “high risk” for loans made banks less likely to make capital available for home repair. Instead of offering homeowners assistance in rehabilitating their properties, the city proposed the destruction of entire city blocks in the Lower Bottoms and the complete destruction of public housing projects.

The 50s also saw an increase in highway transportation and resulting decline in railroad use, marking the beginning of the end for railroad employment in West Oakland. By the late 50s, West Oakland yard operations had practically ceased.

In this same period, Oakland built the Cypress Freeway over what is now Mandela Parkway (and what used to be blocks of residences), slicing across Seventh Street and effectively isolating West Oakland from downtown.

The 1950s also saw the Oakland Police department develop a new style of policing which normalized the harassment and killing of Black people. The Black Panther Party For Self Defense developed as a response to this policing and other forms of oppression in the 1960s.

1960s

The 1960s saw the implementation of some of West Oakland’s biggest urban renewal projects: the Cypress Freeway; aboveground BART trains; and a Postal Distribution Facility. The three projects went hand-in-hand with new ideas about urban renewal and a desire to remove “urban blight” from the city landscape.

The Post Office was a 12-block distribution center in the heart of the 7th Street business district. The photo on the front of this pamphlet is the old WWII tank that was used to plow down Victorian homes, displacing hundreds of families, to make way for the postal facility. Though officials promised that the postal distribution facility would provide 2,700 jobs, employees transferred from other offices received all but 200 of the jobs. Officials offered no relocation plan for the displaced residents.

Plans for the creation of the West Oakland BART station shocked residents. In 1964, local activists formed JOBART (Justice on Bart) in an attempt to ensure fair compensation and economic justice for the neighborhood. Three key JOBART demands were: market value compensation for homes

removed for BART construction; a relocation plan to assist displaced homeowners and renters in the neighborhood, (especially the elderly and the poor); and a commitment by BART to non-discriminatory hiring practices.

Faced with the potentially devastating redistribution of their homes, activists in West Oakland also took a stand against the city's proposed demolition of public housing projects. There was the United Taxpayers and Voters Union, which emphasized rehabilitation and not demolition of the homes in the Acorn District, more than 70 percent of whom were African American, and the Oak Center Neighborhood Association, which was able to successfully lobby the city to save hundreds of homes from being destroyed.

The Black Panther Party for Self Defense organized against police violence and toward the self-empowerment of the Black community in West Oakland. They offered resources and services to the community, and advocated for armed self-defense among Black people.

1970s

The West Oakland BART Station, the Post Office and the Cypress Freeway were all completed, displacing hundreds of families and businesses, and completely changing the face of the 7th street jazz district. The majority white city government was successful at sectioning off this black portion of the city with these projects, while thousands of whites fled to the surrounding suburbs. These dynamics exemplified the Black Panthers analogy of the black urban areas as exploited colonies controlled from the suburban perimeter. These conditions were also reflected when suburban homeowners in 1978 worked to monopolize and segregate the assets of

postwar prosperity, efforts that culminated in Proposition 13, the nations first and most influential tax limitation measure. Prop 13 slashed property taxes that depleted the state's ability to raise public funding, money that was crucial to public education, public utilities and maintaining urban cities. It raised the values of houses bought before 1975 and made it harder for new buyers to purchase homes. Prop 13 was a direct response from white homeowners in the suburbs, to black neighborhoods in the cities. It was the clear defunding of inner cities that made everyone in the suburbs richer.

1980s

The 1980s saw the effects of de-industrialization in West Oakland, when the last factories closed and unemployment was on the rise. Large-scale prisons were built all over California to house surplus populations of Black and brown worker that cities like Oakland no longer needed to work in their train yards or cereal factories, or the General Electric manufacturing plant.

In 1989, the Cypress Freeway collapsed during the Loma Prieta earthquake. When Caltrans planned to rebuild another freeway in the same location, West Oakland activists, under the banner of the Citizens Emergency Relief Team (CERT), proposed a different route for the freeway, one that would minimize impact on West Oakland. They charged that the city was neglecting the needs of their neighborhood, just to make it easier for commuters to travel from the suburbs to downtown San Francisco. In the 90s, activists won their demand to move the location of the freeway, and Caltrans renamed the street originally covered by the Cypress Freeway Mandela Parkway.

This is the Western Pacific Railroad Mole that served as a passenger terminal until the early thirties and then continued as a freight ferry transport point until the 1970s/1980s



A Racial Breakdown of the Foreclosure Crisis

The foreclosure crisis has disproportionately affected people of color, especially Black homeowners. This disparity can be seen in the maps of Oakland below. The highest areas of displacement are in West and Deep East Oakland, and the lowest areas of displacement are in the affluent Oakland Hills and surrounding neighborhoods.

Oakland is one city in a nationwide foreclosure crisis that is stealing the wealth out of communities of color. Ninety-three percent of the foreclosed homes purchased by investors in Oakland were in low-income neighborhoods. Nationally, 17% of Latino homeowners and 11% of Black homeowners have already lost or are at imminent risk of losing their homes. This is compared with 7% for white homeowners. Studies even show that people of color with the same income as whites are losing their homes at a much faster rate. Systemic racism is clearly at work.

Communities of color have been unfairly hurt by the foreclosure crisis and there is no guarantee, especially from the government, of any help returning their wealth. According to a study by the Alliance for a Just Society, “The most devastating impacts of the ongoing foreclosure crisis were in majority people of color communities: Zip codes with majority people of color populations saw an average of \$2,198 in lost wealth per household, over 1.7 times the average lost wealth in majority white zip codes.”

These facts alone speak to a need for an end to blaming homeowners who have been under attack from an unjust system. As a community we must stop expecting the same government, which has proven to be systemically racist towards people of color, to produce different results. We must organize and fight back and say no to greed, racism, gentrification, and oppression.

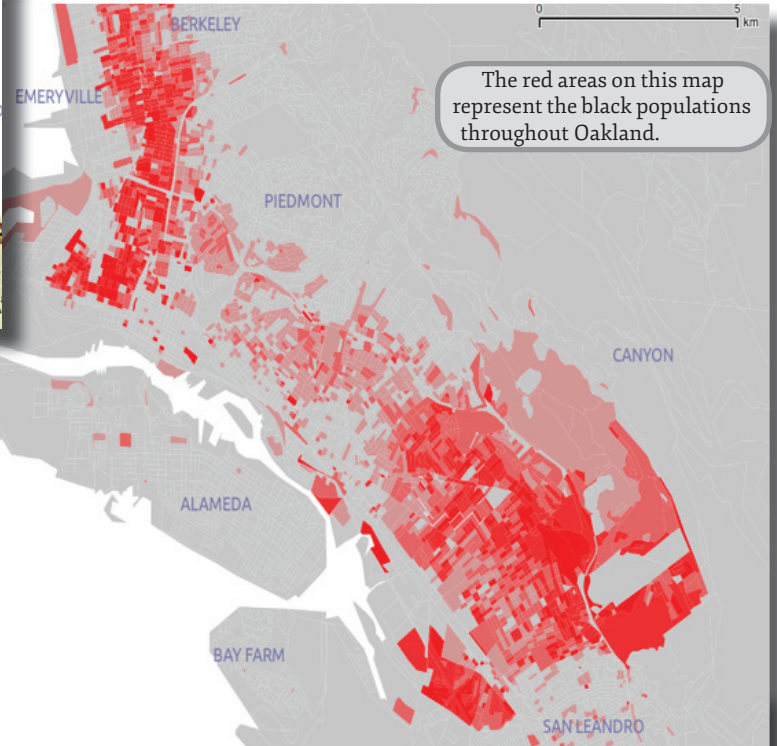
But neighborhood change can be felt through more than just facts and figures. With so much forced transition, movement, and loss of wealth in low-income neighborhoods, community changes too. The effects of gentrification are not only measurable in numbers such as increased rent and property value, but in the feel of the community. After families have been kicked out of their homes and the homes are rented by more affluent folk who have the luxury to spend more on rent, the community begins to change.

The businesses change and the whole look and feel of neighborhoods change as long standing communities are torn apart by predatory banks, investors, and opportunists moving in to take advantage of the crisis. With a diminished sense of community, folks are less likely to have solidarity with each other and feel a connection to their neighbors. The

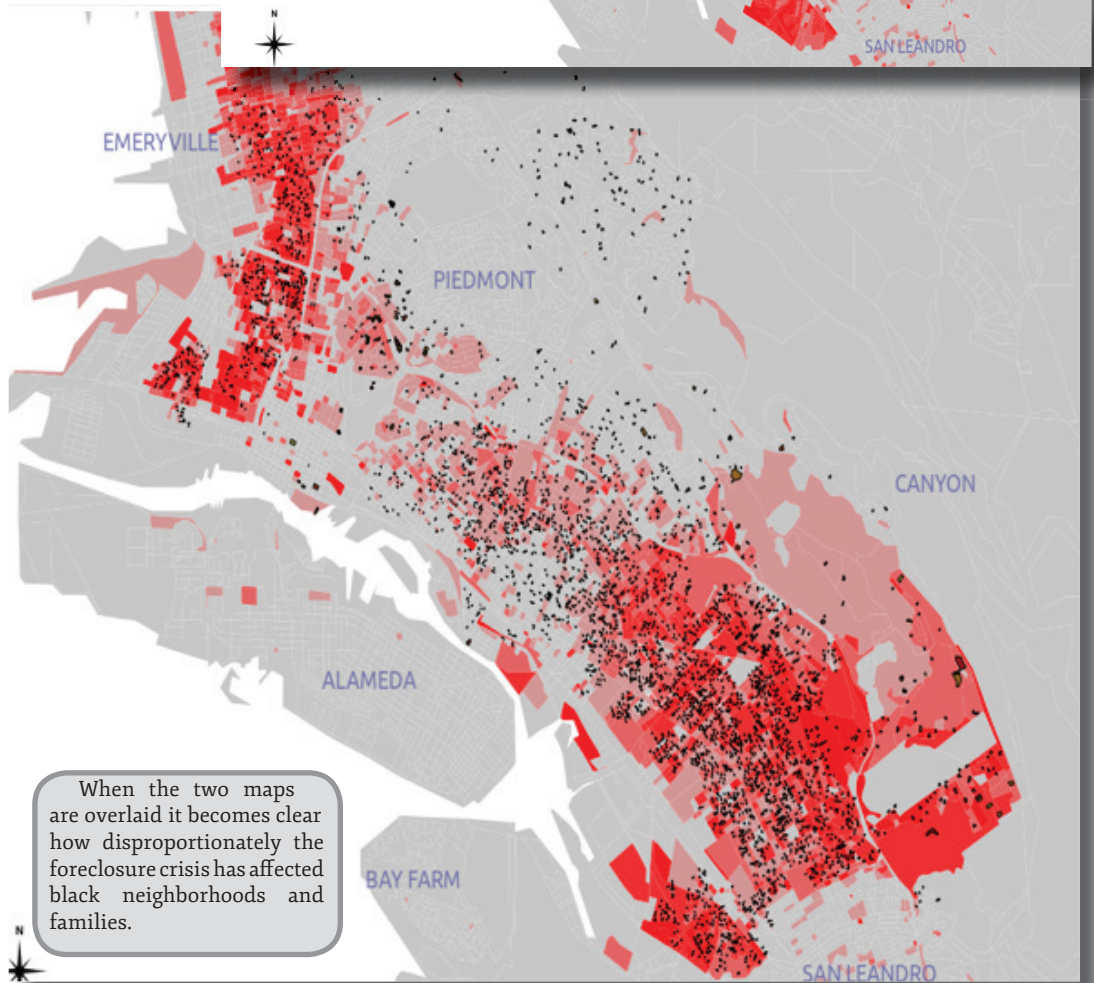
institutionalized racism of the foreclosure crisis has reached not only into the pocketbooks of people of color, but has also caused the stress of displacement. People are forced to move out of the neighborhood they have known all their lives. And they are required to fill up what used to be leisure time with time spent working extra hours and time spent searching for a new home to live in. It is time for communities to come together and fight back as communities, friends, and as neighbors to fight the racist, classist, and predatory banks and investors.



The black dots in the graphic to the left represent all foreclosures in Oakland between January 2009 and February 2012.



The red areas on this map represent the black populations throughout Oakland.



When the two maps are overlaid it becomes clear how disproportionately the foreclosure crisis has affected black neighborhoods and families.

Part Three

Learning Our Legal Rights

We believe in using any means necessary to assert ourselves over the bosses, landlords, banks, politicians, and others who try to exploit us. Often, this means going outside the law when the law favors those in power over everyone else. East Bay Solidarity Network is most interested in doing extralegal direct action in collaboration with folks who have limited or no access to legal routes to protect themselves or choose not to use those routes. Going outside the law carries risks, however, and we support those who choose to stay within the law in order to avoid the force that cops and courts can bring to bear. We know the law won't just hand us our basic rights and dignities. Still, knowing our legal rights is critical, especially when landlords can and do take advantage of tenants who do not know their rights. To that end, this section is aimed at providing a basic understanding of tenants' rights.

Art by local artist
Favianna Rodriguez.



At the hands of landlords: evictions, foreclosures & repairs

A quick major tip for all landlord issues-- document everything. It doesn't have to be fancy -- just keep track of significant interactions with your landlord in a notebook like this: "July 5th, 5:15 PM - made a phone call to request repair of leaking ceiling in living room. No answer - left voicemail" "July 7th, 3:35 PM - have not heard back about ceiling, left another voicemail." "July 8th, 11:08 AM - landlord called back about ceiling, promised repairs would begin tomorrow morning."

For any written communication with the landlord, try to date, sign, and properly address the letter with the landlord's name. Keep copies of all documents if possible.

I'm being evicted!

Note: Eviction is a complicated legal process that is beyond the scope of this pamphlet to fully explain in depth. What follows is meant as a brief overview to give you a sense of what could happen.

Getting an eviction notice is really scary—but you can almost

always fight it! Landlords often try to intimidate folks into leaving because they want to make more money off of new renters, but you deserve to stay in your home! First, find out the facts. Many renters in Oakland (and Berkeley and San Francisco) are protected by the Just Cause Ordinance, which gives you many renter protections.

Am I covered by Just Cause?

You are covered by the ordinance UNLESS:

You live in a home built in 1983 or later

You live in a single-unit building

Your landlord lives in your building, and the building has three or fewer units

If you're covered by Just Cause:

Your landlord can only evict you for specific reasons under the ordinance. Your landlord cannot evict you just because your lease is up, because they want to get a new tenant and raise the rent, because they want to sell the house, or because they don't like you. Here are the reasons they can evict you if you are covered by Just Cause:

1. Not paying rent on time (as a pattern, not just once)
2. Violating a part of the lease even after written notice to stop was sent to you.
3. Refusing to sign a new lease that is identical to your old lease when your lease expires.
4. Doing significant damage to the property and refusing to stop doing whatever is causing the damage or paying for the repairs after getting a written request from the landlord.
5. Creating noise or other disturbances that bother tenants or residents (even ones that live outside the building), even after receiving written notice to stop.
6. Using the building for an illegal purpose, like selling drugs or prostitution.
7. Refusing to let the landlord into the apartment for inspection, repairs, or other purposes. Note, however, that you may refuse to allow a landlord to enter if they have not given you a 24 hours' written notice and they must try to work with your schedule if you want to be present for the visit.
8. The owner wants to move back into the unit and you and the landlord have a written agreement, or it states it in your lease, that the landlord is allowed to move back in after a stated amount of time.
9. If the landlord - or the landlord's spouse, domestic partner, child, parent, or grandparent - wants to move into your unit to live there, they have Just Cause for evicting you if it states in your lease or some other written agreement that the landlord may do so, having



given you a certain amount of notice. However, the landlord cannot evict a tenant who has lived in the unit for at least five years and is either a.) 60 years of age or older, b.) physically or mentally disabled, or c.) catastrophically ill. The landlord may, however, evict such a tenant if they or their relative who is moving in is also 60 years of age or older, disabled, or catastrophically ill.

10. The landlord invokes the Ellis Act, a law that allows landlords to evict all of a building's tenants at the same time, usually in order to change a single family home into a condominium with multiple units or, the reverse, turning a multi-unit building into one big mansion. Landlords must give at least a 120-day notice for an Ellis Act eviction, possibly longer depending on the age or health of the tenants involved. Ellis Act evictions are complicated but can and have been successfully resisted by tenants - please contact us if you are facing an Ellis Act Eviction.

11. The landlord wants to make repairs on the unit that cannot be made with the tenant living there. The landlord must explain clearly why the tenant cannot live there for the duration, and they must allow the tenant the opportunity to move back in when repairs are completed at the same level of rent.

12. If the landlord does not meet one of these Just Causes in their threat of eviction (if, for example, they simply verbally threaten you or leave a written threat that does not clearly cite one of these reasons or lists reasons that are untrue), then they have no legal grounds for eviction and you do not need to leave.

If you are not covered by Just Cause

Unfortunately, lack of protection under Just Cause means that the landlord can ask you to leave the property at the end of any long-term lease period or at the end of a month if you do not have a long-term lease. The landlord must give you at least 30 days notice in writing, which is extended to 60 days if you have lived there for at least a year. If you are in breach of your lease, however, this notice is reduced to only three days. If you do not leave by the end of the time stated by the notice, the eviction process begins.

I Am Being Evicted - What Is Going To Happen?

To evict you, your landlord must first give you a "Notice to perform or quit." If you don't respond to this, then your landlord can give you official court paperwork called an "Unlawful Detainer" (UD). A verbal eviction or anything other than official court papers doesn't count!

I got an Unlawful Detainer:

If you get an unlawful detainer, you must file an "answer" at the courthouse within 5 days of getting the notice (including weekends). If you do not respond, the landlord may obtain a "default judgment" from the court, automatically win the case, and evict you.

You might want to get legal help in fighting your eviction (but you don't have to). You can call the East Bay Community Law Center, the Eviction Defense Center, or Just Cause (contact info at end of pamphlet). Responding to the UD requires a \$180 filing fee, but you can request a waiver online or at the courthouse.

Many times you can win in court, for example if the landlord didn't give you the Unlawful Detainer properly, if you are protected under Just Cause or if the unit is uninhabitable. Even if you are late on rent or violated your lease, you may still win in court. You can fight your eviction!

One of the many ways the law benefits property owners is that even if you win your UD court case, the UD can sometimes still appear on background checks and credit reports for many years. This might make it harder to rent in the future.

Going to Trial: A Primer

Once you have responded to the UD, the court will normally set a trial date within 20 days. There are a few things you can do in this time.

Contact a housing clinic, tenants' organization, attorney, legal aid organization or similar group - we have many options for free assistance listed in Part 4 of this pamphlet.

In the time leading up to the trial, both you and the landlord have the right to "request discovery", which means legally acquiring information that may help your case. This discovery may include testimony from the landlord, investigations into the landlord's records and more.

You can request the appearance of witnesses to testify about your case. If a witness is unwilling to testify on your behalf, you may subpoena them by serving a written order from the Clerk of the Court that may be delivered by anyone over the age of 18.

Be sure to have at least five copies of any document you are using as evidence - you will need to have one each for the judge, court clerk, landlord, the witnesses, and yourself.

Work with your legal advisor to decide how you want to arrange and present your evidence and witness testimony to argue your case.

You also must decide whether to request a jury trial (your landlord may also request this). We do not recommend requesting a jury trial without being represented by a lawyer, as it is more complicated and expensive, especially for the losing party.

After the Trial

If you win the case the court will allow you to stay in your home and in many cases require the landlord to pay any of your legal fees. You still may need to pay any unpaid rent or similar costs owed to the landlord.

If the court decides that the landlord has legal ground to evict you, it will issue a writ of possession, meaning that you have five days (sometimes longer, you should receive a notice with the exact day to leave the premises) to leave before the sheriff will come to forcibly remove you and lock you out. Any possessions still in the house may be seized by the sheriff. Note that the landlord is not entitled to possession of the space or anything in it, and has no right to keep you out of the space, until those five days have passed.

Losing the case may also mean that the court forces you to pay unpaid rent, court costs, attorney's fees, and other penalties.

It also will appear on your credit report for seven years.

Sometimes, even if you are going to be evicted you can apply for a "stay of execution" to stay in the place longer. You must file this with the court.

Finally, it is possible for both you and your landlord to appeal the case if you have lost.

My landlord is trying to raise my rent!

Your landlord can only raise your rent if you are not covered under the Oakland Rent Control Ordinance.

You have rent control unless:

- You live in a home built in 1983 or later
- You live in a single-family home
- Your landlord lives in your building, and the building has three or fewer units

If you do not have rent control, then your landlord can legally raise rent whenever they want, though you can resist these changes through direct action.

If you do live in a house with rent control, the landlord can only raise rent once per year and only by a small amount each year (2.1% this year, though the landlord may raise it by more if they did not raise it during previous years). If you believe your landlord is raising your rent illegally, you can contact us or the other tenant's organizations listed in this pamphlet, or handle the matter yourself. One way to do it yourself is to write a letter to the landlord stating that the rent increase is illegal - they'll often back down once you show you know your rights.

My landlord won't do repairs!

Landlords often refuse to do necessary repairs for tenants. You don't have to put up with it! Legally, your landlord is obligated to ensure that your unit is legally "habitable." What you can do in response to a refused repair depends on whether it is included under "habitability." The legal definition of habitability is hazy, but in general a "habitable" unit must include:

- Hot and cold running water, free of rust, bad odors, etc.
- Working sinks, toilets, and showers
- Functional, intact windows
- Smoke detectors
- Working heater that can keep the house at 70 degrees
- Free of pests (this does not mean the landlord can put down mousetraps and call it a day)
- No leaks, mold, or water damage
- No peeling paint or plaster, and no holes in walls or ceilings
- Any appliances, such as stoves or refrigerators, that came with the house must be functional

An extensive list can be found at: <http://www.caltenantlaw.com/HabChecklist.htm>

If you think your unit is uninhabitable, we recommend that you contact your landlord in writing and keep documentation of the request and their reply (if any). If the problem is obviously visible, take photographs of it.

You also have the following options:

1. Move out immediately - Civil Code 1942 allows tenants to leave uninhabitable units without giving notice. If you were already planning on moving out soon, your landlord ignoring repairs gives you an opportunity to break your lease and leave without paying the next round of rent. This is tricky and likely to anger your (ex) landlord, so make sure you do all of the following:
 - a. Call your landlord and alert them to the problem (you do not need to say that you are planning to move out if they do not do the repairs)
 - b. Write a letter that details specifically and thoroughly all of the problems with your unit, then say that you are leaving under Civil Code 1942 because of those problems. Include in the letter a demand for a final walkthrough to assess the unit and return your deposit. Send the letter through certified mail and keep a copy for yourself
 - c. Record the damage - Clean and organize the house (any messes that you've made, unrelated to the problems, so the landlord can't say you're a destructive

tenant), then take pictures and notes detailing all of the problems.

Your landlord will likely be angry and may refuse to do the walk through. They may even insist that you have not ended your lease agreement, but your rent obligation ends the day you move out. Leave the keys on the counter and get outta there.

2. Call in the City Inspectors: Oakland Building Services are the bureaucracy in charge of ensuring property owners properly maintain their rental units. You can contact them at 510-444-CITY, and you should be ready with a list of grievances. When the inspectors come, be sure to give them the list of problems and get the name and number of the agent as well as their supervisor - some inspectors are corrupt and may be an ally of your landlord. If you know that other tenants in your building have similar repair grievances, try to call in a joint complaint to Building Services - this collective act could cause serious problems for a negligent landlord.

3. Repair and Deduct: Civil Code 1942 also gives you the right to repair problems yourself and deduct the cost from your rent under certain circumstances:

- a. It has to be a problem that affects habitability, not just something you don't like about the place.
- b. It cannot be a problem that you or one of your guests caused.
- c. You must have alerted the landlord to the problem first, giving them a chance to fix it.
- d. You must give the landlord "reasonable time" to fix the problem. Again, there is no hard and fast definition of what this means, and it would ultimately be up to a judge's opinion. Roughly, it means about 30 days, less if the problem severely affects habitability and less if it could be easily and quickly fixed.

e. The cost of a single repair cannot exceed one month's rent, but you can do multiple repairs that end up costing more than one month's rent.

f. Any contractors you use must be licensed professionals (you can't charge for your own time)

Be sure to document everything - get a detailed invoice from the contractors explaining everything they did and why. If they, for instance, remove and replace some structure that they consider beyond repair, make sure they write and sign a note on the invoice giving their professional opinion on why that was necessary. Make multiple copies of any invoices. Finally, when you go to pay your rent, subtract whatever you paid for repairs that month and include any and all invoices with your check.

4. Withholding Rent - this option can be risky, as your

landlord could attempt to evict you for non-payment of rent. It can, however, be a powerful option if you have documented the problem and the landlord's unresponsiveness to it. The tricky part is that the house must have a "substantial reduction in habitability" - that phrase is as vague as it seems, and it is ultimately up to a judge to decide whether that is the case if your landlord sues you.

Generally, any of the following problems will be considered "substantial":

- Lack of heat during winter
- Nonfunctioning water or electricity
- Broken windows
- Flooding

Unfortunately, there is no sure way of determining what is "substantial", and a tenant just trying to assert their dignity may find themselves being punished while a landlord is rewarded for being negligent. Again, documentation is your best friend, as a judge is likely to be swayed if they see that you asked for repairs multiple times while your landlord ignored you, eventually pushing you to withhold rent.

If The Home I Rent Undergoes Foreclosure, What Happens To Me? Can I Be Evicted?

As with other eviction situations, you should first determine whether you are protected by Just Cause (see above). If you are covered by Just Cause, you have the legal right to stay in your home -- foreclosure is never a Just Cause for eviction.

If you are not protected by Just Cause, you still have other protections:

So long as your building began foreclosure on or after May 20th, 2009, you are protected by the Helping Families Save Their Home Act of 2009. This means that if you have an existing lease, you cannot be evicted until your lease expires; the only exception to this is if the purchaser of the property wishes to occupy it as their primary residence, in which case they may terminate your lease after 90 days. If you have only a month-to-month lease or an expiring lease, you may be evicted only after 90 days.

Living in Section 8 housing offers similar protections. Your current lease must be respected by the new owner, who cannot evict you until it expires. In the case of an expiring lease, the owner must give you a 90-day notice for any evictions.

Finally, if Fannie Mae is the foreclosing agent, they are often willing to rent to the existing tenants. Contact them if you do not hear from them shortly after the foreclosure.

If You Are Allowed To Stay...

Your new landlord cannot change your lease or raise your rent. Your utilities must be maintained as they were, no matter who your new landlord is. The new owner is responsible for any and all repairs, including any that the old landlord failed to complete.

Be sure you know who you are talking to when someone comes to your door saying that they are the new owner. Ask them a copy of the Trustee's Deed, and follow up by going to the County Recorder's office to make sure the same name is on the record. Do not pay rent until you are totally certain that this person is the new owner.

If You Are In Foreclosure and Being Evicted...

Everything said above about evictions applies in the event of a foreclosure. Remember that the new landlord cannot simply lock you out - they must go through a legal process.

There is one common difference between foreclosure evictions compared to others. Often the foreclosing agent wants to sell the property quickly (they're not interested in actually being landlords) and hires realty managers when they cannot. These managers often try to remove existing tenants by offering "cash for keys."

Typically, these managers will offer you some cash sum to leave right away and couple this with a threat that you need to leave within five to ten days or there will be consequences.

Do not be intimidated - know your rights. These managers often lie about the law, hoping that you do not know that you are entitled to at least a 90-day notice (see above), or that you may not be in a position to be evicted at all.

Alternatively, you may want to move soon, either because you can eventually be evicted or just because you want to, in which case you should try to take advantage of the cash for keys. It is reasonable to ask for two months of expected rent wherever you are moving to plus moving expenses. Show the manager rental figures on where you are moving and the rates to hire movers, a moving vehicle, etc. Ask for at least half the money up front, if not all, before handing over the keys, and request a written and signed agreement before giving them anything. Drive a hard bargain - they are getting a huge advantage by having you move out, and you can and should extract a good amount of money from them.

Part Four

Fighting Back



The East Bay Solidarity Network is a community group of volunteers living mostly in West Oakland who believe gentrification is a deliberate, engineered process that benefits only a few and hurts many. Furthermore, we recognize that working people face a variety of abuses in our day to day lives, from bosses stealing our wages or disrespecting us, to landlords refusing to make simple repairs. Rather than relying on lawyers, politicians, and other “experts” to solve these problems, we aim to build an organization for regular people to get together, organize, and fight back to defend our homes, our neighbors, and ourselves. We believe that by acting directly to confront the abuses facing us and our friends or neighbors, not only are we more likely to succeed in getting what we want but we are also building up the power of regular people to make widespread changes in our world.

Our Goals and What We Have To Offer

East Bay Solidarity Network seeks to build community and solidarity among workers, neighbors, and all Oakland residents dedicated to fighting for just living conditions and wages. We believe that laws in their current form are advantageous to the rich and privileged and we will use solidarity to bring together our community to fight back against systematic oppression. We imagine this Solidarity Network as an all volunteer organization composed of residents of Oakland that will prevent eviction, win concessions from landlords, banks and employers, build political skills and analysis and pose a challenge to the ongoing gentrification and exploitation of the area. East Bay

Solidarity Network organizers have experience organizing direct actions around housing and employment justice. We can draw on this experience to help neighbors come up with organizing strategies for defending their homes and apartments. We can also tap into our network of housing activist organizations in the Bay Area for skill-shares, people power and other resource sharing. While current members of East Bay Solidarity are committed to this project and intend to work hard to build a successful solidarity network, it is our priority to share all the organizing skills we have with members from the neighborhood and to make space for new folks to take on leadership responsibilities. Also, we recognize the long history of organizing and militant resistance that has occurred in Oakland and look always to learn from the examples of current and historic resistance efforts in this city. We organize horizontally, meaning there is no top-down leadership that gives out orders: we strive to create an environment in which all members in the group have equal opportunity to express their opinions and take part in making decisions. As a solidarity network we seek to better understand each other’s differences and focus on our shared connections and community in our fight for justice. East Bay Solidarity aims to be a welcoming and supportive environment for women, queer and trans* folk, people of color, and poor and working class people: the traditionally marginalized. We believe that this must be reflected not only in our goals but also in our day to day operation: the character of our meeting space, our process of leadership development, and the ways we support and respect one another.



Why Focus on West Oakland?

Ever since World War II, West Oakland's residents have been largely disregarded by political and economic actors throughout the greater Bay Area. Highways have been built and neighborhoods have been razed in the name of progress, neglecting the needs of residents and dramatically changing the character of our neighborhood. But organization against harmful development is part of the history of West Oakland. As we explained in depth in this pamphlet, the fight for West Oakland has been a consistent battle between the residents and city developers, the police, local government, transportation agencies and redevelopment projects.

That battle is still being fought today. Now that wealthy speculators, land developers, and entrepreneurs see potential for profit and expansion in this neighborhood, we are certain that the wishes of the local population will once again be overlooked. As cute cafe's and condo developments pop up around us, we see quite clearly that displacement of residents will be the flip side of this coin. We believe now is the time to build community power in order to halt a fresh wave of displacement and we hope that an organized West Oakland, with our history of resistance, can present a challenge to this all too familiar process.

West Oakland is home to the largest number of East Bay Solidarity's current organizing members. We look to recruit organizers and build alliances primarily with others living in this neighborhood. In order to bring folks together to talk about the issues facing our community, educate tenants and owners of their rights in the face of conniving landlords and banks, and establish relationships among neighbors, we regularly hold neighborhood barbecues and tenants' rights workshops.

Our Strategy

Fighting Back Against Landlords, Banks & Bosses

1) *Setting up a meeting.*

If you are having a problem with your landlord, bank or employer, typically the first step is to call us and we will set up a face-to-face meeting to discuss the situation with you and how our group may be able to help. Basically this meeting is a chance to get to know the people we are working with, gain a better understanding of their situation and explain how our organization works. Anyone who wishes to work with us must agree to become a member of the organization, which means that you identify with the goals of the organization and will come out to support other workers and tenants in the future. We also expect that people who approach us for solidarity will be centrally involved in the campaign. This means coming to meetings and participating in all of the planning and strategizing.

2) *Developing a campaign.*

Whether or not we take on a fight depends on our ability to identify a winnable demand. Are we asking to stop your eviction? Are we trying to reclaim stolen wages? If so, how much? Our demand needs to be winnable and specific. In this stage we need to gather as much information as possible about the "target" (landlord, bank, or boss) and brainstorm actions that might impact their ability to make profits, gain their attention, or annoy them so much that they would have to give into our demands.

3) *Get others involved.*

One of the most powerful elements in winning a fight is an organized neighborhood or workplace. Some tactics that we may use at this stage may include: door knocking neighbors or holding outreach events to let residents in your neighborhood know that you're fighting for your home; talking to co-workers who may be supportive, and finding others who have similar experiences and recruiting them to the campaign.

4) *Write a letter which clearly states the demands.*

For example, we are demanding that your landlord refund you a \$500 deposit. We will write a letter with you that clearly states the demand, gives the landlord a timeline to respond (usually within one or two weeks) and lets them know how to contact us.

5) *Demand Delivery.*

Our first action is to deliver the demand letter to the bank or landlord with as many people from the Solidarity Network as possible. The objective here is to show the landlord that you are not confronting this problem alone, and that if he doesn't meet our demand he will have to deal with this big group of people instead of just one isolated individual. We don't engage in negotiating at this action; we have seen that it is more powerful to stay silent, deliver the letter, and then leave. This way, the landlord will be left wondering what will come next. We will have the upper-hand.

6) *Wait for a response from the target.*

Based on the time specified in the demand letter, we will wait for the target to respond, indicating whether or not they will meet our demand. If they do not respond, we will make it clear that further public action will be taken.



Local Groups Fighting Evictions

Causa Justa :: Just Cause

A grassroots organization building community leadership to achieve justice for low-income San Francisco and Oakland residents, coming out of the tradition of passing the Just Cause Proposition. They provide tenant rights advocacy and information to tenants through their Housing Committee/Tenants' Rights Clinic.

West Oakland: 3268 San Pablo Avenue, Oakland, CA 94608

T 510.763.5877 | F 510.763.5824

Oakland: 9124 International Blvd. Oakland, CA 94603

SF: 2301 Mission Street, St. 201, San Francisco, CA 94110

T (415) 487-9203 Web: <http://cjjc.org/>

East Bay Community Law Center

Provides legal services to the low-income community in the areas of housing, welfare, HIV & health, homelessness and economic development.

2921 Adeline Street, Berkeley, CA 94703

T (510) 548-4040 Web: <http://www.ebclc.org/>

The Oakland Tenant's Union

The Oakland Tenants Union is an organization of housing activists dedicated to protecting tenant rights and interests. OTU does this by working directly with tenants in their struggle with landlords, impacting legislation and public policy about housing, community education, and working with other organizations committed to furthering renters' rights.

T (510) 704-5276

<http://oaklandtenantsunion.org/>

ACCE : Alliance of Californians for Community Empowerment

Alliance of Californians for Community Empowerment (ACCE) is a multi-racial, democratic, non-profit community organization building power in low to moderate income neighborhoods to stand and fight for social, economic, and racial justice.

Oakland/Bay Area Office

2501 International Blvd, Suite D, Oakland, CA 94601

T (510) 269-4692

<http://www.calorganize.org/chapter/903/home>

Keep Your Home California

There are \$2 billion of federal funds available for Californian homeowners struggling to keep their homes. The Mission Economic Development Agency (MEDA) helps low and moderate income homeowners access and understand these funds.

T (888) 954-KEEP (5337)

<http://medasf.org/home/keep-your-home-california/>

Resistance Around the Country:

A list of groups fighting back against housing injustice across the country, and winning with direct action.

Project No One Leaves

Out of Boston, Massachusetts, Project No One Leave's mission is to empower citizens living in foreclosed properties to protect their homes and communities through grassroots organizing, legal education, and civic engagement. They also work to empower tenants and former homeowners to avoid displacement post-foreclosure

Take Back The Land

The Take Back the Land Movement based out of Miami is a national network of organizations dedicated to elevating housing to the level of a human right and securing community control over land. The Movement is led by impacted communities and is firmly rooted in 'Positive Action' campaigns, including those which break the immoral laws which allow banks to gain billions in profit while human beings are made homeless.
www.takebacktheland.org

City Life/Vida Urbana

City Life/Vida Urbana is a 38-year-old bilingual, community organization whose mission is to fight for racial, social, and economic justice and gender equality by building working class power through direct action, coalition building, education, and advocacy. In 2007 they launched a major campaign, the Post-Foreclosure Eviction Defense campaign, to help keep people facing foreclosure in their homes. Victories won by hundreds of organized families have created public and political pressure for legislative reform.
<http://www.clvu.org>

Occupy our Homes

Occupy Our Homes is a movement that supports Americans who stand up to their banks and fight for their homes. Born of the Occupy Wall Street movement, they have in recent years partnered with dozens of community-based housing rights organizations around the nation to secure stable housing through education, occupation and protest.
www.occupyyourhomes.org

Seattle Solidarity Network

The Seattle-based solidarity network has been successfully fighting wage theft, evictions, and other unfair employment and housing treatment through an all-volunteer local network. They have been around for about 5 year and have won dozens of direct action fights for workers and tenants.
<http://seasol.net/>

The Chicago Anti-Eviction Campaign

The Chicago Anti-Eviction Campaign will enforce human rights to housing and continue fighting to stop all economically-motivated evictions in Chicago. They are no longer willing to wait for any authority to institute human right to housing. "We the People are Enforcing Our Human Rights!"
chicagoantieviction.org

Bibliography and Further Reading

American Babylon: Race and the Struggle for Postwar Oakland

A Book by Robert O. Self

No There There: Race, Class and Community in Oakland

A Book by Chris Rhomberg

Blues City: A Walk in Oakland

A Book by Ishmael Reed

Visualizing Race and Foreclosure in Oakland

<http://www.thepolisblog.org/2012/04/visualizing-race-and-foreclosure-in.html>

The First Cycle of Gentrification in West Oakland, 1998-2008

<http://degentrification.wordpress.com/>

Evaluation of Investor Involvement in Post-Foreclosure Homes in Oakland

<http://www.infoalamedacounty.org/index.php/research/housing/genhousing/oaklandinvestors.html>

Ecocities: From the Bottom Up

<http://svenworld.com/2009/09/14/ecocities-from-the-bottoms-up/>

"Against Gentrification"

<http://www.sfgate.com/bayarea/article/Against-Gentrification-Marcel-Diallo-sees-a-2622101.php>

A Brief History of West Oakland (Robert Douglas)

<http://www.sonoma.edu/asc/cypress/finalreport/Chapter02.pdf>

Remembering 7th Street: Virtual Oakland Blues and Jazz

<http://7thstreet.org/>

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