

## **WCLP Welcomes New Housing Advocates!**



**Navneet Grewal** joined Western Center's housing team as a Staff Attorney in January. Prior to joining WCLP, Navneet was a staff attorney at the National Housing Law Project for four years. At NHLP, she worked on numerous local and national policy issues focusing on access to affordable housing for the lowest income families. In addition to advocacy, she provided technical support, conducted trainings, and wrote publications for legal services providers throughout the United States.

In law school, Navneet worked extensively on both housing and immigration issues. Upon graduation from the New York University School of Law, she received the Black, Latino, and Asian Pacific American Alumni Association Public Service Prize, as well as the Vanderbilt Medal, awarded for outstanding contributions to the School of Law. She currently serves on the board of directors for Housing California.



**Brian Augusta** is our newest Legislative Advocate, also joining Western Center in January. Well-known in the housing community, Brian brings with him vast experience in housing-related advocacy. Most recently, and after serving as Legislative Director for Assemblywoman Sally Lieber (D-San José), Brian was a staff attorney and legislative advocate with the California Rural Legal Assistance Foundation. At CRLAF, Brian focused on statewide land use and affordable housing policy.

Brian began working on affordable housing issues in 1991 as the director of the Sacramento Housing Alliance. After graduating from law school in 1999, Brian joined Legal Services of Northern California in Sacramento, where he worked for six years as a staff attorney. During his tenure with LSNAC, Brian's work focused on land use and housing element litigation. Brian's advocacy helped win adoption of inclusionary housing policies in Folsom, Sacramento city, and the County of Sacramento. The most recent effort with the County involved a two-year campaign to win passage of a policy that resulted in the only known local ordinance to include extremely low income households (earning less than 30% of area median income.)

## **Take Our On-Line Quick Survey on Task Force Meetings**

Western Center is considering renewing its in-person housing task force meetings. In prior years, these meetings provided:

- A forum to discuss emerging housing issues
- Updates on legislative and legal developments; and
- Trainings on housing issues of interest to legal services attorneys and staff.

Please let us know how the content, format, and location of meetings might affect your decision to attend, by answering a brief [on-line survey](#). Thank you for your input!

## **Conferences, Trainings, and Webinars**

## **Bankruptcy, Mortgages and Foreclosure: What Bankruptcy Can and Can't Do for Borrowers in Distress**

**March 29 • Webinar and in-person in San Francisco**

Free! An overview of how bankruptcy interacts with mortgage debt and foreclosures. During the session, practitioners working at the intersection of these two areas in will provide a basic overview of bankruptcy; share tools for assessing whether bankruptcy might help or harm a delinquent borrower; and discuss how bankruptcy can be used to address mortgage delinquencies, servicing abuses and other lending violations. Presented by the Practising Law Institute.

## **Housing California Annual Conference**

**April 10-12 • Sacramento**

Theme: Building Power: Bring it Home. Early Registration ends March 14. [Link](#) to Workshop descriptions.

## **San Diego Fair Housing Laws & Litigation Conference**

**April 12-13 (new dates) • San Diego**

Focus for 2012: Fair housing—protecting the rights of the under-served; Expanding housing civil rights; Celebrating National Fair Housing Month. Special emphasis on children with autism and achieving reasonable accommodations. Featured speakers: Robert Schwemm, Areva Martin, Phyllis W. Cheng, Erwin Chemerinsky.

## **Benchmark Institute: Housing Overview**

**May 17-18 • Pasadena**

Two-day training geared toward legal services attorneys and advocates presents key strategies for producing, preserving and protecting individual rights to housing in public, subsidized, and private housing.

## **Pathways to Justice Conference**

**June 7-8 • San Francisco**

Pathways offers a variety of public interest-related topics designed for all who work in this area: legal services attorneys, advocates and support staff, non-profit board members, volunteers and pro bono providers, self-help centers, etc. Keynote: Carlos R. Moreno. 10+ hours of MCLE credit is offered and scholarships available (including very limited partial travel). Presented by The State Bar of California Office of Legal Services, Legal Aid Association of California and the Administrative Office of the Courts Equal Access Project.

## **Litigation and Local Advocacy**

### **9th Circuit okays roommate discrimination**

[\*Fair Housing Council of San Fernando Valley v. Roommate.com\*](#), \_\_\_ F.3d \_\_\_, 2012 W.L. 310849 (Feb. 2, 2012)

A roommate-matching service does not violate federal and state fair housing statutes when it places ads inviting discrimination against protected classes, the 9th Circuit has held. The Court of Appeals reasoned that discriminatory selection of a roommate is not discrimination in "sale or rental of a dwelling" under the Fair Housing Act, 42 U.S.C. §3604(a). To hold otherwise, the court stated, would raise serious associational privacy issues. The 9th Circuit reached a similar result for claims under California's Fair Employment and Housing Act, Gov't Code §12927(d).

## State could weaken property rights protections, 9th Circuit holds

[Bowers v. Whitman](#), 664 F.3d 1321 (9th Circ. 2012)

What the Oregon voters once gave to property owners can be taken away by the same voters, the 9th Circuit has held.

The Court of Appeals upheld and applied Measure 49, a 2007 voter initiative which replaced and substantially weakened Measure 37, a 2004 initiative. Measure 37 gave property owners the right to secure compensation whenever land use regulation lowered their property values, or to obtain a waiver from the regulation's requirements. Measure 49 took away some of those remedies, including monetary compensation. The 9th Circuit held that application of Measure 49 did not constitute a taking and did not violate any property owner's constitutional rights.

## City of St. Paul drops Supreme Court appeal; major civil rights tool survives

[Magner v. Gallagher](#), 619 F.3d 823 (8th Cir. 2010) *cert. granted*, (Docket No. 10-1032) *dismissed by agreement of both parties*.

The United States Supreme Court had been poised to review an 8th Circuit Court of Appeals decision regarding the Fair Housing Act's (FHA) scope. A group of property owners claimed that the City of St. Paul's housing code enforcement program had a disproportionate negative impact on their predominantly African American tenants. In turn, the City had contended that the Fair Housing Act only prohibits intentional discrimination and not discrimination that has a disparate impact on protected groups. The 8th Circuit ruled in accordance with every other federal Court of Appeals that has addressed this issue and concluded that the FHA does prohibit policies and practices that have the practical effect of harming protected groups, not just intentional discrimination. Had the Supreme Court issued a broad ruling in favor of St. Paul's position, it could have eviscerated this vital civil rights tool.

Recognizing the significant collateral consequences of its appeal and facing pressure from civil rights leaders and organizations, the City of St. Paul withdrew its petition just three weeks before oral arguments were to be heard. When both parties agree to withdraw, dismissal is automatic. The case will be remanded to trial court based on the 8th Circuit's ruling.

## California State Legislation and Administrative Actions

### New bills introduced

Over 100 new housing bills were introduced for this year's session. See our more detailed [Legislative Report](#), and our [Summary](#) of all the new bills.

### Redevelopment wind-up legislation advances

Both houses have introduced bills to address issues left over from the demise of redevelopment. [SB 654](#) (Steinberg) would clarify that the balances left over in former redevelopment agencies' housing funds are to be used for housing purposes. [AB 1585](#) (Pérez) would do the same, as well as a host of other fixes and clarifications. It's unclear if the Governor will sign either bill.

### Attorney general introduces foreclosure package

Attorney General Kamala Harris has introduced a [package](#) of bills to address on-going foreclosure issues. Language for the most part has yet to be decided upon, as stakeholder are being consulted.

## **New landlord-tenant bills**

Several bills have been introduced to remove the "sunset" date on the state law requiring 60-days' notice to terminate following a foreclosure, which is set to expire this year. (Although federal law requires a 90-day notice, its application is more limited than state law.) [SB 1055](#) (Lieu) is intended to prohibit a landlord from requiring that rent be paid online. Technical amendments are in the works. [AB 1679](#) (Bonilla) would allow landlords and tenants to agree, once notice to end the tenancy has been given by either side, that the security deposit accounting mailed be emailed to the tenant, and the deposit itself may be transferred electronically to the tenant's account.

## **Permanent source bill introduced**

SB 1220 (DeSaulnier) would add an additional \$75 fee for recording real property documents, to fund state affordable housing programs. The fee is expected to generate an average of about \$700M per year, with \$400M in down years and over \$1B in hot years. The uses for the funds have not been spelled out, as the bill is more of a vehicle to raise awareness. A final bill is expected in the next session.

## **Federal Legislation and Administrative Actions**

### **New HUD regulations prohibit discrimination based on sexual orientation and gender identity in its programs.**

[Equal Access to Housing in HUD Programs—Regardless of Sexual Orientation or Gender Identity](#) is the final rule. The new regulations are intended to ensure that HUD's core housing programs are open to all eligible persons, regardless of sexual orientation or gender identity.

## **Publications**

### **[HOME and NSP: A Guide for Successfully and Effectively Combining Funding Sources](#)**

HUD

*HOME and NSP* provides technical guidance on how to use HUD funding from the HOME Investment Partnerships Program (the HOME Program) and the Neighborhood Stabilization Program (NSP). The guidebook highlights the differences between the two programs, and provides instruction on how to successfully implement activities and projects that use both sources of funds.

### **[How Maturing Subsidized Mortgages Threaten Affordable Housing in Los Angeles](#)**

Coalition for Economic Survival & Public Counsel

Much of LA's affordable housing is at risk of being lost in the next few years due to the maturity of HUD-subsidized mortgages. This report describes what's at risk and why, and outlines some responses that are needed to keep this housing affordable.

### **[Rental Housing 2011: The State of Rental Housing in the City of Los Angeles](#)**, Economic Roundtable

Among the findings: 1/3 of the city's renter households spend over half their incomes on rent, up from less the 1/4 of household a decade ago.

## **Employment Announcements**

### **[Attorney Fellowship](#)**

#### **Public Interest Law Project**

PILP is seeking an attorney, with three to seven years of litigation experience and an interest

in prosecuting impact litigation in the public interest, to be PILP's first Public Interest Law Project Fellow. The Fellow will gain experience in litigation involving a wide variety of issues affecting the rights of poor and low-income people to fair and affordable housing and essential public benefits. The position will be for two years and will help identify areas on which the Fellow may decide to focus in the future, and provide training and a springboard for a career as a public interest litigator.

### **Bilingual (Spanish) Housing Attorney**

#### **Bay Area Legal Aid, Downtown San Jose; Office**

The position involves the following duties: representation of low-income tenants in eviction trials held in Superior Court; identification and pursuit of affirmative fair housing litigation; conducting community outreach and training; working in collaboration with other practice areas to provide holistic legal services to clients; and addressing systemic issues in areas that uniquely effect our clients' housing rights through use of impact litigation and policy work.

### **Magistrate Judges**

#### **US District Court, Eastern District of California**

Duties include: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct various pretrial matters and evidentiary proceedings on delegation from the judges of the district court; (4) trial and disposition of civil cases upon consent of the litigants; and (5) hearing of habeas corpus prisoner petitions and Social Security cases. Applicants must have been engaged in the active practice of law for at least 5 years. Positions are in Sacramento and Fresno.

To have your organization's job announcements included in our next *Housing Update*, email Michael Moynagh, [mmoynagh@wclp.org](mailto:mmoynagh@wclp.org).

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Western Center leads the fight  
in the courts, counties and capital  
to secure housing, healthcare and a strong safety net  
for low-income Californians.