

Western Center Welcomes New Housing Attorney Madeline Howard



We are pleased to announce the addition of Madeline Howard to our housing team. Madeline will join Western Center to work on implementation of the Homeowners Bill of Rights, in partnership with the National Housing Project, Tenants Together, and the National Consumer Law Center.

Madeline began her career as an advocate with the medical legal partnership for children in Boston, a program that provides access to legal assistance for marginalized families by partnering with doctors. Prior to joining Bay Area legal Aid, Madeline worked as a legal research attorney at San Francisco Superior Court. Most recently, Madeline was a staff attorney in the San Jose and San Francisco offices of Bay Area Legal Aid where she represented the interests of tenants with low incomes against landlords and major lending institutions. Madeline is lead attorney in *Nativi et al. v. Deutsche Bank*, representing tenants who were locked out of their home after Deutsche Bank foreclosed on their landlord. Further, she actively participated in statewide monthly tenant/foreclosure task force meetings, and Santa Clara County's Foreclosure Help/Don't Borrow Trouble Task Force. Madeline will bring her tenacious advocacy on behalf of tenants in foreclosure to Western Center beginning May 1. She is a graduate of Haverford College and the UC Berkeley School of Law. Welcome Madeline!

Announcements

California Office of the Attorney General Announces Homeowners Bill of Rights Collaborative

The California Office of the Attorney General recently awarded a \$1 million grant to the Homeowners Bill of Rights (HBOR) Collaborative, a partnership between the National Housing Law Project (NHLP), Tenants Together, the National Consumer Law Center, and Western Center on Law and Poverty. The grant will help implement the state's new Homeowner Bill of Rights, which establishes protections for homeowners and tenants facing foreclosure.

Members of the Collaborative have been working on behalf of homeowners and tenants throughout the foreclosure crisis. This new grant, for which the California Attorney General received funds from the National Mortgage Settlement between 49 state attorney generals, the federal government and the nation's five largest mortgage servicers, will expand activities to crackdown on improper foreclosures, ensure fair lending and borrowing practices for homeowners and enforce new protections for tenants.

The HBOR Collaborative will offer a package of free support services to legal services and consumer attorneys statewide in order to equip them to uphold homeowners' and tenants' rights under the new HBOR laws. Services will include outreach, education, advocacy, technical assistance, and litigation support. The Collaborative will also develop internet webinars, live trainings in areas throughout California, and specific aids to consumer attorneys including a HBOR website and library of litigation resources. For more information, contact Madeline Howard at mhoward@wclp.org or Kent Qian at kqian@nhlp.org.

Foreclosure Scams

Deputy Attorney General Maggy Krell of the AG's office Special Crimes unit is seeking input regarding mortgage fraud and foreclosure scams - are they increasing or decreasing and what is their nature? Please email her if you have any information to share. However, if you have individual complaints, use the general complaint form. Contact Info: Maggy Krell, Deputy Attorney General, (916) 327-1995, Maggy.Krell@doj.ca.gov

Conferences, Trainings, and Webinars

California Monitor Program: Transforming Mortgage Servicing: Developments in California Law

Fresno - May 3

This day-long training will focus on updates regarding the National Mortgage Settlement and the Homeowner Bill of Rights (HBOR). Panelists will discuss HBOR provisions and litigation (including tenant protections), consumer relief delivered under the settlement, progress on servicing standards, the California Monitor Program's initiatives, and the synthesis of HBOR with the National Mortgage Settlement. 5.25 hours of free MCLE will be provided, including ethics credits. Venue TBA.

Practising Law Institute: New Developments in Residential Loan Servicing: State, Federal and Programmatic Laws, Regulations and Standards

San Francisco and Webcast - May 6, 9:00-12:30

Learn about recent developments in mortgage servicing standards, including an update on recent rulemaking by the Consumer Financial Protection Bureau. Presenters will provide an in-depth examination of how to identify and address loan servicing abuses. 3 hours of free MCLE. PLI California Center, 685 Market Street, San Francisco, California 94105.

Practising Law Institute: Working with Immigrants: The Intersection of Basic Immigration, Housing, and Domestic Violence Issues in California

San Francisco and Webcast - May 14, 9:00-5:00

This training will examine the intersection of housing, immigration, or domestic violence laws - including a discussion of eligibility for federally subsidized programs. 6 hours of free MCLE credits (including one hour addressing elimination of bias). PLI California Center, 685 Market Street, San Francisco, California 94105.

Affordable Housing: The Reality Series

Los Angeles, June 14; 9:30-5:00

Where will our clients live? Trainers will review changes to Housing Element and Redevelopment laws that provide new tools to ensure affordable housing for our clients. MCLE provided. Registration: \$20. Hosted Happy Hour to follow.

Loyola Law School, 919 Albany Street, Los Angeles, CA 90015

Housing Justice Network Conference

San Francisco - October 16-17

Request for Workshop Proposals

SUBMISSION DEADLINE: MAY 6, 2013

The National Housing Law Project is now accepting proposals for workshops for its 2013 HJN Conference. Workshops are 90-minute training sessions covering important issues that impact affordable housing and low-income tenants. Proposals should be relevant to housing advocates, provide take-home value and strategies, pay attention to emerging issues, discuss innovative approaches and include a diverse range of panelists.

Litigation and Local Advocacy

City need not immediately amend land use element as soon as it amends housing element, Court of Appeal holds

[Friends of Aviara v. City of Carlsbad, 210 Cal.App.4th 1103 \(2012\)](#)

The Court of Appeal has held that a municipality may amend its housing element without immediately amending its land use element as long as there is a timeline for the land use amendment.

City not permitted to deny mobilehome park conversion based on resident survey showing majority disapproval unless survey showed conversion was a sham

[Chino, MHC, LP v. City of Chino, 210 Cal.App.4th 1049 \(2012\)](#)

A mobilehome park owner must conduct a survey of residents before converting a park to resident ownership. Gov. Code §66427.5. But that's about as democratic as things get, the Court of Appeal has held. A city may not deny a conversion based on a survey unless the results show not just a majority against conversion - as was the situation in this case - but that the conversion is a sham intended solely to evade rent control. A 58% majority opposition did not constitute such a showing, the court ruled, particularly when only 36 out of 260 households returned the survey.

Mello Act applies to mobilehome conversions, high court holds

[Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles, 55 Cal.4th 783 \(2012\)](#)

The affordable housing requirements of the Mello Act apply to mobilehome conversions, the California Supreme Court has held. The Court also applied the Coastal Act, holding that the conversion was a "development" within the meaning of the Act. The Mello Act, Government Code §65590, requires replacement housing when low income units are torn down in the Coastal Zone; and also the building of inclusionary units in developments when feasible. The Court held these provisions did not conflict with the Subdivision Map Act.

Foreclosures on federally insured housing can be enjoined for failure to comply with HUD servicing requirements, Court of Appeal holds

[Pfeifer v. Countrywide Home Loans, Inc., 211 Cal.App.4th 1250 \(2012\)](#)

The Court of Appeal has held that lenders may not institute non-judicial foreclosures on federally insured residential properties without first complying with HUD servicing regulations requiring face-to-face meetings.(24 C.F.R. §203.604.) Though a borrower cannot sue for damages for violation of these regulations, the court held, they could

obtain a restraining order preventing a wrongful foreclosure, as well as declaratory relief

LA rent control ordinance applies to dwelling unit connected to other units, court rules

ABCO, LLC v. Eversley, 213 Cal.App.4th 1092 (2013)

When a dwelling unit is connected to other units, the unit is regulated by the Los Angeles rent control ordinance, the Court of Appeal has held. Though the ordinance excepts single family dwellings, a unit cannot qualify for that exception unless it is detached, the court reasoned.

Housing Authorities must abide by federal regulations and requirements of due process in voucher admissions

[Jones v. Upland Hous. Auth.](#), 2013 WL 708540 (C.D. Cal. Feb. 21, 2013)

A federal district court issued a mandatory injunction finding it very likely that plaintiffs would prevail on claims that a housing authority that denied applicants admission to voucher program without a meaningful review violated HUD regulations and constitutional due process. The court further discussed the invalidity of basing a denial solely on unreliable hearsay and the duty to consider mitigating circumstances when reviewing applications.

California State Legislation and Administrative Actions

More than 100 housing bills were introduced in the 2013 session, including a bill to create a dedicated source for state housing dollars, as well as several bills to tap local property tax revenue, dubbed "Redevelopment 2.0."

Western Center, together with CRLA Foundation and others, are co-sponsoring bills to: explicitly authorize local inclusionary rental zoning ordinances; reinstate a practical statute of limitations for housing element challenges; make several improvements to security deposit law; create a regulatory scheme governing landlord-operated water sub-metering; and expanding the ability of domestic violence survivors to terminate fixed-term leases when necessary.

See our [full report](#).



National Housing Law Project's Federal Update

Sequestration Harming Tenants in Subsidized Housing

HUD low-income rental programs are feeling the impact of sequestration. Public Housing developments are receiving only 83% of formula need for operating costs and 50% of the need for new anticipated repairs. The voucher program will have to cut its renewal funding by 8% for the remainder of the year; administrative fees will only be funded at 70% of need. Housing authorities are responding by not reissuing returning vouchers,

reducing rents to landlords and reducing payment standards . Advocates should engage PHAs promptly about their budgets and options, to ensure that harm to current and future tenants is minimized. For a chart on Possible PHA Strategies to Respond to Funding Shortfall, see <http://nhlp.org/node/824> Contact Cbishop@nhlp for more info. Other HUD and RD programs face similar cuts, but for the immediate term in project-based Section 8, HUD has implemented policies to stave off harm.

HUD Makes Tenant Protection Vouchers Available to Help Preserve Affordable Tenancies

HUD Notice PIH 2013-08 (April 2013) re Tenant Protection Vouchers for Unassisted Tenants in Expiring Use and Maturing Mortgage Properties.

HUD has finally issued this Notice providing a \$4 million set-aside to fund tenant protection vouchers for unassisted tenants in certain properties whose mortgages or use restrictions expired prior to September 30, 2012. Owners must apply for assistance prior to June 14, 2013. Projects must be located in designated low-vacancy areas and tenants must have been in residence at the date of maturity or expiration and face a post-conversion rent burden in excess of 40% of income (possibly as low as 30% of income if funds are available). NHELP will distribute a list of potentially eligible properties to assist advocates' outreach by April 30. For more info, contact Jim Grow at jgrow@nhlp.org.

HUD to Consolidate and Close Offices

78 Fed. Reg. 24,765 (April 26, 2013)

On April 24, HUD announced plans to pursue a radical restructuring of multifamily housing staffing and operations, closing numerous field offices, including San Diego, Fresno and Sacramento. HUD has not yet bargained with the National Federation of Federal Employees, which represents HUD staff in California. Stay tuned for how this proposal plays out.

HUD Seeks Comments to Proposed Rural Homelessness Rule **Homeless Emergency Assistance and Rapid Transition to Housing: Rural Housing Stability Assistance Program and Revisions to the Definition of ~Chronically Homeless**

78 Fed. Reg. 18726 (March 27, 2013).

HUD issued a proposed rule implementing the Rural Housing Stability Assistance Program and soliciting comments regarding a revised definition of chronically homeless that the agency asserts is designed to capture individuals with the highest level of need. Comments are due May 28, 2013.

Publications

Enhancing Language Access Services for LEP Court Users: A Review of Effective Language Access Practices in California's Superior Courts, Judicial Council, February 26, 2013.

A look at best practices for language access services in the state's trial courts.

Job Announcements

Bay Area Legal Aid Seeks Executive Director

The Bay Area's largest legal services organization is searching for a new director upon the resignation of long-standing Executive Director Ramón Arias. Materials must be submitted by July 1, 2013 to ExecutiveSearch@baylegal.org addressed to the Bay Area Legal Aid Executive Search Committee, Bay Area Legal Aid, 1735 Telegraph Avenue, Oakland, CA 94612.

To have your organization's job announcements included in our next Housing Update, send them to us at ngrewal@wclp.org.