



Office of the Mayor

CONSENT CALENDAR
December 19, 2017

TO: Members of the City Council

FROM: Mayor Jesse Arreguín and Councilmembers Cheryl Davila and Kate Harrison

SUBJECT: Send Letter to Presiding Judge of Alameda County Superior Court Regarding Delaying Scheduled Evictions during Winter Months

RECOMMENDATION

Send a letter on behalf of the Berkeley City Council to the Honorable Judge Morris Jacobson, Presiding Judge of the Alameda County Superior Court, requesting that the court adjust its schedules to delay eviction proceedings until after winter months, from December through March, to include issuing unlawful detainers and writs of possession.

BACKGROUND

The Bay Area is experiencing an unprecedented housing crisis that has gravely impacted public health and safety. In just two years, there has been a 39% growth of the homeless population in Alameda County, equaling an estimated 5,692 homeless people. This surge in homelessness is largely due to the growing inability to afford rising housing costs coupled with an increase in tenant evictions.

The East Bay Community Law Center estimates that 70% of low-income tenants facing eviction proceedings in Alameda County do not have legal representation. The lack of representation becomes even more acute during the holiday season and is exacerbated by all unlawful detainer courts being located in Hayward. This impacts the resource-strapped eviction defense programs located in Oakland and Berkeley, and adds to the inability of many low-income, elderly, and disabled tenants effectively accessing the Hayward courthouse. These factors combined can increase the likelihood of eviction.

Today's housing crisis is also eroding our communities' historic struggles for desegregation in housing and communities, as well as access to basic human needs and rights. The housing crisis is disproportionately impacting the African American population which represents 49% of the homeless population while only constituting 13% of the general County population. In Berkeley, the housing crisis has resulted in the 37% decline of Berkeley's African American population since 2000.

Due to the critical shortage of available shelter spaces, even with our best efforts, there will not be a bed for everyone who is currently homeless this winter - and homelessness due to eviction only adds to this problem. By delaying evictions during the winter months, when obtaining shelter is the most challenging, we can reduce negative health impacts to our most vulnerable Alameda County residents including the elderly, disabled, and families with children, while relieving pressure on our shelter facilities.

FINANCIAL IMPLICATIONS:

Staff time to send letter to Presiding Judge of the Superior Court

ENVIRONMENTAL SUSTAINABILITY:

Reduces impacts on streets, sidewalks, parks and infrastructure.

CONTACT PERSON:

Mayor Jesse Arreguin

510-981-7100

Attachment:

1. Letter to Honorable Morris D. Jacobson

ATTACHMENT 1

Honorable Morris D. Jacobson
Presiding Judge
Superior Court of Alameda County
Rene Davidson Courthouse
Department 1
1225 Fallon St
Oakland CA 94612

Re: Request to Address Housing and New Homeless Crisis by Delaying the Scheduling of Evictions of Vulnerable Populations During Winter Months

Dear Judge Jacobson:

We write to you as elected officials responsible for ensuring the health and well-being of City of Berkeley residents. As you know, the Bay Area is experiencing an unprecedented housing crisis that has gravely impacted public health and safety. **As a fellow public official elected to represent the welfare of residents in Alameda County, we are asking you to delay the scheduling of unlawful detainers and issuing writs of possession, especially for vulnerable populations such as elderly, disabled, families with children, until after the winter months of December, January, February, and March.** The Court system has the ability to control its docket and could adjust the court schedules so as not to increase the health risks to these Alameda County residents.

In just two years, there has been a 39% growth of the homeless population in Alameda County, with an estimated 5,692 homeless people. The new homeless crisis is largely due to the growing inability to afford housing costs AND also to the increase in tenant evictions. For example, current median rents in Berkeley are over \$3,600/month, while Berkeley median renter household income is only \$38,000. The East Bay Community Law Center estimates that 70% of low-income tenants facing eviction proceedings in Alameda County do not have legal representation.

The lack of representation becomes even more acute during the holiday season and is exacerbated by all unlawful detainers being located in Hayward, costing much in travel time for the principal eviction defense programs all being located in Oakland and Berkeley. The single location of Hayward for the unlawful detainer courts and Self-Help Center adds to the inability of many low-income, elderly, and disabled tenants to effectively access the Hayward courthouse further increasing the potential for more evictions.

The rise in homelessness in Alameda County and across the State has also contributed to a growing public health outbreaks of Hepatitis A. San Diego, Los Angeles, and Santa Cruz counties have already been intensely impacted, with concerns about impending Bay Area outbreaks. <http://www.latimes.com/local/california/la-me-ln-hepatitis-outbreaks-20171006->

[htmlstory.html](#). The Governor declared a state of emergency in San Diego County due to the Hepatitis A breakout and the problem is growing in other areas of the State.

Today's housing crisis is also eroding our communities' historic struggles for desegregation in housing and communities, as well as access to basic human needs and rights. The housing crisis is disproportionately impacting the African American population which represents 49% of the homeless population while only constituting 13% of the general County population. In Berkeley, the housing crisis has resulted in the 37% decline of Berkeley's African American population since 2000.

The City of Berkeley, other municipalities, and Alameda County have been engaging in tremendous efforts to address the housing crisis, including leading efforts to increase resources to build new affordable housing units. For example, we recently led efforts on the City of Berkeley's U1 measure, generating about \$ 4 million/year, and Alameda County's new \$580 million Housing Bond. However, it will take several years to build new affordable housing units. In the meantime, we need your partnership by delaying the scheduling of evictions for vulnerable populations until after the winter months.

Finally, there is also a critical shortage of available shelter spaces that cities and the County are working to address, but even with best efforts they will fall far short, particularly if more homeless persons are added this winter.

We look forward to working with you to address the public health and safety needs of Alameda County residents.

Sincerely yours,

Mayor Jesse Arreguin and Members of the Berkeley City Council