



Councilmember Ben Bartlett  
District 3

CONSENT CALENDAR  
April 25, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett, Councilmember Cheryl Davila,  
Mayor Jesse Arreguin, Councilmember Kate Harrison

Subject: Anti-Displacement Public Advocate

RECOMMENDATION

Adopt a Resolution establishing an Office of the Anti-Displacement Public Advocate (APA), to be located in a community agency, which will be tasked with preventing the displacement of Berkeley residents, community, faith, and cultural institutions, small businesses, and non-profits. The APA will be an entity external to the City. The APA will provide legal representation; engage in advocacy; coordinate housing counseling, and financial literacy training; conduct stakeholder meetings; provide outreach to community members at-risk of displacement; and publish quarterly public reports on outcomes and impact in reducing displacement.

BACKGROUND

We are at the convergence of a housing and racial equity crisis. Between 1970 and 2000, the Berkeley African American population declined by nearly 50%. Since 2000, the Berkeley African American population has declined by 37%. Additionally, African American households' median income has deteriorated more than any other group while market rate housing costs continue to escalate.

Displacement—whether of tenants facing unfair evictions or homeowners losing their homes—disrupts the health and stability of our residents. It is the role of government at all levels to help protect the health and well-being of our people, particularly those most vulnerable. Moreover, Berkeley residents whose lives have contributed to our social cohesion and shared economic prosperity have a right to remain here.

Existing legal aid service providers such as EBCLC are under resourced and able to provide limited services related to displacement. The City of Berkeley's ability to address displacement is constrained by State and Federal law. The APA will fill the gap in anti-displacement services and advocacy by collaborating with local community partners,

including legal aid providers, the Rent Board, and the County Public Defender's Office, through the pursuit of a shared vision.

The APA is an initial step toward bridging the justice gap through establishing a civil right to counsel; wherein all people receive legal counsel as a matter of right for basic human needs, such as shelter.

It is our intention that the APA shall spearhead the creation of a Regional effort to leverage new forms of Equitable Development and Policy Innovations to mitigate the impacts of Economic Evictions on at-risk populations. We further intend that this concept will become a national model for creating legal and political institutions that safeguard and promote our communities' health and stability.

#### ENVIRONMENTAL SUSTAINABILITY

This item will result in a positive environmental impact. Reducing displacement and maintaining access to low-income housing and homeownership reduces automobile dependence and tailpipe emissions.

#### CONTACT PERSONS

Councilmember Ben Bartlett, 510-981-7130

**RESOLUTION TO ESTABLISH  
AN OFFICE OF THE ANTI-DISPLACEMENT PUBLIC ADVOCATE**

WHEREAS, we are at the convergence of a housing and racial equity crisis; and,

WHEREAS, between 1970 and 2000, the Berkeley African American population declined by nearly 50%; and,

WHEREAS, since 2000, the Berkeley African American population has declined by 37%; and,

WHEREAS, African American households' median income has deteriorated more than any other group; and,

WHEREAS, market rate housing costs continue to escalate – with median rents at \$3,600 and median home prices at \$899,000, while Berkeley's median renter household income is \$38,539; and,

WHEREAS, over 53.5% of Berkeley's renters are considered rent-burdened, meaning that they are currently paying 30% or more of their income on rent; and,

WHEREAS, displacement disrupts the health and stability of our residents and communities; and,

WHEREAS, Berkeley residents whose lives have contributed to our social cohesion and shared economic prosperity have a right to remain here; and,

WHEREAS, existing legal aid service providers are under resourced and able to provide limited services related to displacement; and,

WHEREAS, the City of Berkeley's ability to address displacement is constrained by State and Federal law; and,

THEREFORE BE IT RESOLVED that the Council of the City of Berkeley hereby establishes an office of the Anti-Displacement Public Advocate (APA) which will be tasked with preventing the displacement of Berkeley residents, community, faith, and cultural institutions, small businesses, and non-profits; and,

BE IT FURTHER RESOLVED that the APA will provide legal representation. The APA will coordinate with City and community resources, and partner closely with organizations such as the East Bay Community Law Center (EBCLC), the Housing Economic Rights Advocates (HERA), and the County of Alameda to ensure that Berkeley residents at risk of displacement receive legal representation. The APA will refer residents in need of legal

representation to other organizations; and members of the APA office will provide legal representation, to Berkeley residents at-risk of displacement. The APA will also engage in impact litigation to help reduce the displacement of at-risk communities; and,

BE IT FURTHER RESOLVED that the APA will engage in advocacy. The APA will partner with organizations such as the EBCLC, the Urban Strategies Council, and the Alameda County Public Defender to discover needs and advocate for system changes. The APA and its partners will investigate the circumstances driving displacement, including local and state policies, and the practices of landlords and financial institutions. The APA will advocate for policies and laws on a local and regional basis; as many solutions for displacement are largely outside the City's scope of authority; and,

BE IT FURTHER RESOLVED that the APA will coordinate housing counseling and financial literacy workshops. The APA will coordinate with existing organizations, such as the Berkeley Rent Board and HERA, to ensure that comprehensive housing counseling and financial literacy workshops are available and accessible. For example, the APA will provide or refer Berkeley seniors to financial literacy workshops to ensure that properties are not lost through probate, and provide or refer Berkeley section 8 tenants to housing counseling; and,

BE IT FURTHER RESOLVED that the APA will conduct stakeholder meetings and publish quarterly public reports. The APA will provide quarterly public reports to the City Council about its work and outcomes. The APA will hold public community meetings on an ongoing basis and will invite community stakeholders, elected officials, interdepartmental City staff, and other partners in the community, in order to develop and implement anti-displacement strategies; and,

BE IT FURTHER RESOLVED that the APA will be considered a separate entity from the City of Berkeley and will be responsible for its own budget and funding. Funding could come from court-awarded attorneys' fees, philanthropic grants, community benefit agreements, displacement impact fees, City, County, and State funds, legal associations, and law firms. Any City funding would be awarded through the regular community agency funding process. Any funds from community benefits negotiations will be held in trust by the East Bay Community Foundation until the APA is established and can receive its own funds; and,

BE IT FURTHER RESOLVED that the APA will coordinate community outreach and education, in partnership with neighborhood groups, community groups, existing advocacy groups, and volunteers, in order to raise awareness about available anti-displacement resources to low-income, senior, disabled, and other at-risk members of the community; and,

BE IT FURTHER RESOLVED that the APA will be selected through a competitive hiring process including input from community panels; and,

BE IT FURTHER RESOLVED that the Council of the City of Berkeley announces its intent to help bridge the justice gap by supporting regional and national efforts to advance the civil right to counsel movement.

