

**From:** [Laura Woodard](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Tony Daysog](#); [Trish Spencer](#)  
**Cc:** [City Clerk](#)  
**Subject:** [EXTERNAL] Please replace the Centro Legal contract with tenant legal services  
**Date:** Tuesday, November 2, 2021 5:16:37 PM

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Dear Mayor Ezzy Ashcraft, Vice Mayor Vella, and Councilmembers,

Please do everything in your power to replace the Centro Legal de la Raza contract with similar tenant-focused legal services. Alameda Renters Coalition receives many calls and messages from low-income tenants who are in need of legal representation and have no idea where to begin. While we haven't always heard positive outcomes from tenants seeking Centro Legal's services, we have been comforted to know attorneys are available to tenants at imminent risk of eviction.

My relationship with my landlord has improved in part due to my receiving legal advice from a Centro Legal staff member. And in 2016 I was able to avoid an unlawful eviction thanks to the help of a private attorney who offered services to me on a sliding scale. (She is no longer taking tenant cases.) Many tenants would not be able to find or afford this kind of help even with a sliding scale.

Providing tenants with free legal services is the right thing to do, especially as Covid protections are ending.

Thank you,  
Laura Woodard

**From:** [svetlana.rishina](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [John Knox White](#); [Tony Daysog](#); [Trish Spencer](#); [City Clerk](#)  
**Cc:** ["Catherine Pauling"](#)  
**Subject:** [EXTERNAL] Agenda Item 5E for the November 2, 2021, City Council Meeting  
**Date:** Tuesday, November 2, 2021 4:45:52 PM

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Mayor Marilyn Ezzy Ashcraft: [mezzashcraft@alamedaca.gov](mailto:mezzashcraft@alamedaca.gov),  
Vice Mayor Malia Vella: [mvella@alamedaca.gov](mailto:mvella@alamedaca.gov)  
Councilmember John Knox White: [jknoxwhite@alamedaca.gov](mailto:jknoxwhite@alamedaca.gov)  
Councilmember Tony Daysog: [tdaysog@alamedaca.gov](mailto:tdaysog@alamedaca.gov)  
Councilmember Trish Herrera Spencer: [tspencer@alamedaca.gov](mailto:tspencer@alamedaca.gov)  
City Clerk: [clerk@alamedaca.gov](mailto:clerk@alamedaca.gov)

CC: Alameda Renters Coalition

November 2, 2021

Dear Mayor and Council,

I am writing to strongly oppose the initiative to terminate a contract with the legal representative without finding another legal service to represent the tenant and replacing it with mediation services.

While Alameda City residents are still recovering from the aftermath of the COVID-19 pandemic and shutdowns, the low-income tenants remain vulnerable and in need of protection from displacement.

Mediation service is not an adequate replacement of legal representation for a number of reasons: legal services are provided by trained licensed attorneys who are bound by the rules of professional conduct, including duty of competence, duty of loyalty, and duty of confidentiality, while mediation services bear no such responsibility; tenant attorneys are adequately trained to advise their clients about their rights under the federal and state laws, as well as the local laws and ordinances, while mediators have no duty to give legal advice to anyone; tenants' attorneys can negotiate on behalf of their clients with the landlord's attorneys. Mediation services cannot take sides and negotiate with skillful landlords' attorneys. Law income clients do not have access to legal representation because of the cost of services. As a result, they would be vulnerable to evictions and homelessness, which is a health and safety concern for the city.

Finally, paid mediation services is a waste of resources because Alameda County Superior Court already has a free mandatory settlement conference program handled by mediation judges (also licensed attorneys and experienced professionals) in most landlord-tenant legal disputes. Moreover, per reports from many legal professionals and tenant advocates, cases where tenants are represented by legal counsel are more likely to settle, and less likely to result in an unfair displacement of a vulnerable individual.

My family is very grateful to Centro Legal de la Raza for providing legal representation in a dispute with the landlord and to Alameda City Council for giving our family this opportunity. We would like Alameda City Council to extend this protection to the low-income alameda residents, mostly the elderly, the disabled and women with children.

Please keep Alameda equitable for all.

Thank you!

Lana Rishina, on behalf of Musiy Rishin



November 1, 2021

Regarding: Agenda Item 5E for the November 2, 2021 City Council Meeting

Dear Mayor and Council,

Alameda Renters Coalition (ARC) was contacted last week regarding Agenda Item 5E for the Tuesday, November 2<sup>nd</sup> City Council meeting.

ARC objects to this last-minute notification of the City Staff's recommendation to drop the current legal services contract without a call for new proposals, and to replace it with a pilot mediation program conducted through the City Attorney's Office. While ARC would welcome an education program for all landlords and tenants from the City Attorney's Office, ARC believes that allowing legal protection for low-income tenants to lapse and replacing it with a mediation process would strongly disadvantage this vulnerable tenant population. As noted, the county funds for legal protection end May 2022.

Even with a neutral mediation process, it is likely that tenants, particularly those who are low-income, will enter the process at a disadvantage compared to landlords. Among low-income populations, it is very common for unlawful detainer cases to involve landlords with legal representation and tenants without the resources to retain counsel. One of the primary goals of providing low-income tenants with legal representation is to level the playing field for tenants in order to ensure equal access to justice.

Research has demonstrated that low-income tenants obtain crucial benefits when they are provided full legal representation in eviction cases in comparison to tenants who do not receive such representation. Please see the following report to the legislature that describes the results of a study conducted by NPC Research and the California Judicial Council which compared outcomes between low-income California tenants who received legal representation and those who were self-represented (SRLs).

Key findings of this research study:

- Of those tenants who received full representation, nearly all (95%) were facing a landlord who was represented by counsel.
  - Representation led to more settlements between tenants and landlords and fewer trials.
  - Representation case outcomes favored longer-term housing stability: Attorneys were able to help low-income tenants save money. In addition, tenants who had representation were more likely to have the unlawful detainer action sealed or masked from public record (91%), the case not reported to credit agencies (81%), and a neutral rental references from the landlord (71%). All of these actions can help tenants' ability to secure future rental housing.
  - Represented clients were more likely than SRLs to have found a new rental one year later (71% vs. 43%)
  - Tenants who had legal representation were more likely than SRLs to raise affirmative defenses (84% vs. 60%) in their cases. For additional information on these findings, please refer to the Housing Chapter on page 13 of The Report to the California Legislature on the Sargent Shriver Civil Counsel Act
- Evaluation: [\\*\\*\\*\\*\\*courts.ca.gov/documents/Shriver-Legislative-Report\\_June-30-2020.pdf](https://courts.ca.gov/documents/Shriver-Legislative-Report_June-30-2020.pdf)

Also see the article below which compares mediation with legal protection. Examples of the limits of mediation in protecting tenants which greatly concern us include:

"However, mediation can fall short when the landlord is in the wrong, said Brandi Snow, housing team supervising attorney at Central California Legal Services in Fresno. In mediation, the legal representative has no obligation to the outcome for either party — they just want to resolve the case before it goes to court, she said.

"The big difference (from having legal representation) is the tenant can never really win with a mediation," Snow said. "They're going to give something up whether or not their rights have been respected by the landlord."

Mediation also doesn't help tenants who have already had an eviction case filed against them, said John Pollock, coordinator of National Coalition for a Civil Right to Counsel. He said mediation alone can't fix disparities in housing stabilities and eviction."

\*\*\*\*\*[thebusinessjournal.com/fresno-exploring-protections-for-tenants-facing-eviction-heres-what-they-might-do/](http://thebusinessjournal.com/fresno-exploring-protections-for-tenants-facing-eviction-heres-what-they-might-do/)

ARC contends that the proposed plan is problematic on several points:

1) The timing is very concerning, as evictions and mass displacement loom when the city's moratoriums on evictions and rent increases are lifted. In addition, starting November 1st, tenants may be sued for the rental debt they owe in small claims court, even if they are currently protected from being evicted under Alameda's moratorium.

2) Staff noted only one organization applied two years ago to the first RFP and since CLR does not show interest in continuing, there is no point in a new RFP. The last RFP was three and half years ago and a great many changes can happen in an organization in that time. If a more effective partnership is wanted, then Staff should investigate the structure and funding of legal aid for low- income tenants contracted by other Bay Area cities and how these cities achieve greater participation.?

3) Assistant City Attorney Le noted that a letter with the City Attorney's letterhead gets a better response than a letter from the Rent Program sent on Housing Authority letterhead. Given that the goal is compliance with the City's rent laws by both tenants and landlords, of course a letter from an attorney carries more weight than from the Housing Authority, a property management corporation. ARC has always maintained that the Rent Program should be housed under the City Attorney's Office for both neutrality, accuracy and effectiveness.

4) The City Attorney's office has a temporary paralegal they want to keep for mediation. As noted above, tenants receive a particular benefit from legal representation that may not be achieved through the proposed mediation process.

ARC is strongly opposed to returning to the failed approach of mediation alone. Mediation did not and cannot protect tenants from displacement given the extreme power imbalance that exists between

landlord and tenant. Most tenants lack the resources for representation versus landlords, the majority of whom are represented when facing tenants in legal disputes.

For these reasons, ARC requests Staff be instructed to immediately issue a new RFP for legal representation for our most vulnerable residents and gain information about the structure and funding by other Bay Areas Cities for legal aid services for low-income renters.

It is our conclusion that the proposed mediation program is not an equal replacement for legal representation for Alameda's low-income tenants.

Sincerely,

Catherine Pauling, Chair

City Legislative Oversight Committee

Alameda Renters Coalition