



Councilmember Ben Bartlett  
District 3

CONSENT CALENDAR

March 28, 2017

To: Honorable Mayor and Members of the City Council

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

Subject: Anti-Displacement Public Advocate

RECOMMENDATION

Secure funding for 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, and small businesses. The APA will be an entity external to the City. The APA will engage in advocacy; provide legal representation; coordinate housing counselling 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.

- i. 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) and the Housing Economic Rights Advocates (HERA), 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.
- ii. Advocacy: The APA will partner with organizations such as the EBCLC and the Urban Strategies Council 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.

- iii. Housing Counseling and Financial Literacy: The APA will coordinate with existing organizations, such as the Berkeley Rent Board and HERA, to ensure that housing counseling and financial literacy workshops are available and accessible. For example, the APA will provide housing counseling to Section 8 tenants and workshops for seniors on writing valid wills and trusts to ensure that properties are not lost through probate.
- iv. Stakeholder Meetings and 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.
- v. 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.
- vi. Outreach: 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.
- vii. Hiring: The APA will be selected through a competitive hiring process including input from community panels.

## 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 implementing "Civil Gideon," 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

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