

This excerpt is provided by the Rental Housing Association of Northern Alameda County. www.rhanac.org 510-893-9873

Advocates seek regular rental reviews

Many tenants can't or won't report illegal practices by their landlord, Oakland group says

By Laura Ernde, Oakland Tribune
February 20, 2005

OAKLAND — Oakland advocates for the poor say the city's recent crackdown on one so-called slumlord doesn't go far enough to address widespread rental housing deterioration.

Oakland Community Organizations is calling on the city to inspect rental properties regularly, not just when tenants complain.

Like many cities, Oakland relies on renters to enforce housing code violations. Inspectors generally don't check on the upkeep of apartment buildings unless a tenant reports a problem.

It's a system ripe for abuse in a city where a significant number of renters don't speak English and about 70 percent of the housing was built before 1959, said Ann Magovern, an organizer with OCO, a faith-based nonprofit that works on quality of life issues in the flatlands.

The city's recent enforcement action against landlord Phuong Thanh Pham of San Francisco is a case in point.

Some of Pham's tenants said they lived without heat for years before the city cracked down on her late last year. The city is suing Pham because she ignored orders to fix broken furnaces and other problems at her 18 Oakland apartment buildings, most of them in the Latino neighborhood of Fruitvale.

Magovern said she is glad the city is taking action against Pham, but she said the problem goes deeper than the current system can handle.

She saw the problem firsthand in 2003, when residents of a 27th Avenue apartment asked for help fighting an illegal rent increase.

While there, she discovered deplorable conditions. Tenants were reluctant to report building problems such as cockroaches and mold for fear of being evicted. Some were illegal immigrants worried they would be turned in to federal immigration authorities, she said.

Tenants succeeded in stopping the rent increase and getting significant repairs to the building. But Magovern realized that they could not have gone through the code enforcement process on their own.

First she had to convince tenants it was safe to come forward with their complaints. Then city housing officials had to conduct three inspections over six months before anything was done. Magovern was there, for example, to communicate with the Spanish-speaking tenants and make sure someone would be home to let in the inspectors.

Winning a battle

Now residents of the building said they want to make it easier for other people facing the same plight.

"We had a victory, but we didn't win the war," said Gloria Lomeli, speaking in Spanish. She said the laws should be changed to protect people who don't know their rights from being exploited.

Her neighbor, Marvin Llamas, also vowed to support efforts for change.

Oakland employs 38 housing inspectors to cover 157,000 housing units. About 56 percent of those units are renter-occupied, said Jocelyn Combs, a spokeswoman for the department.

With such a small number of people responsible for such a large number of housing units, it's no wonder only the worst-case scenarios get dealt with, Magovern said.

"Going sort of landlord by landlord, or slumlord by slumlord, doesn't really make sense," said Jennifer Lin, housing campaign coordinator for the Asian Pacific Environmental Network.

Lin agrees that Oakland needs to take a closer look at rental housing problems.

In a 2003 APEN survey of low-income households in the city, more than half (59 percent) reported having problems with cockroaches or mice, 38 percent cited problems with mold and 39 percent said they lacked sink, toilet or water access.

About 70 percent of the city's rental housing units were contaminated with lead-based paint, according to the 2000 Census. Children who ingest peeling paint may incur developmental, behavioral and health problems.

Oakland City Council President Ignacio De La Fuente admits that the department is faced with a daunting task.

"Inspectors are not overwhelmed, but definitely overextended," said De La Fuente (Glenview-Fruitvale). "I think we try the best we can."

Finding the money

De La Fuente said he would love to beef up inspections, but the city, which is facing a \$31.7 million deficit in the next fiscal year, simply doesn't have the money to conduct routine inspections.

Some Bay Area cities have addressed the problem by charging landlords an annual fee that goes toward routine inspections.

The city of San Jose, for example, charges \$31.45 per unit for apartment buildings with three or more units, said Michael Hannon, deputy director of code enforcement.

Inspectors thoroughly examine the apartment buildings inside and out every three or six years, depending on the property's track record. They check to see that all the vital systems are working — from smoke detectors

This excerpt is provided by the Rental Housing Association of Northern Alameda County. www.rhanac.org 510-893-9873

to plumbing.

If needed, the landlord will receive a repair notice. If the repairs aren't done in a timely manner, the city takes the case to a citizen review board that can levy fines of up to \$2,500 a day per violation, Hannon said.

The program has been in place more than 25 years.

Having regular inspections protects tenants, who may not want to complain for fear of retribution from their landlord, he said.

"Who is that person to look to if they can't look to the government to help them?" he said.

The city of Hayward has a similar program that pays special attention to older apartment buildings in high-density areas, which are inspected every three and a half years, said Sylvia Ehrental, director of the Hayward Department of Community and Economic Development.

Inspectors found housing code violations in about half of the units inspected in the year ending May 2004, a report showed.

The program is paid for with a \$5-per-unit fee, but a greater share of the budget comes from fines for violations.

The market's downturn

De La Fuente said he doesn't think landlords, who are already strapped because of a downturn in the rental market and city-imposed caps on rent increases, would be willing to help foot the bill for such a program in Oakland.

Steve Edrington, executive director of the Rental Housing Association of Northern Alameda County, said regular inspections would be a waste of money because most landlords do a good job of maintaining their properties.

"I think it's completely unnecessary. I think the system we have works," he said.

The association already conducts free workshops to inform landlords about their responsibilities and the steep fines they face if they don't comply.

If anything is needed, it is better communication between landlords and tenants to make sure problems get repaired quickly, he said.

Code enforcement programs can be a double-edged sword, according to PolicyLink, an Oakland-based nonprofit that works for economic and social equality.

Although code enforcement can be used to remedy substandard housing conditions, it can also result in significant rent increases that can displace low-income tenants.