

## OAKLAND EASES EVICTION RULES

By **EMILY WILSON**

MAY 31, 2004

Special to the Times

Oakland City Councilmember Larry Reid says many of the homes in the East Oakland neighborhood he represents have bars on the windows and doors because violence is so rampant.

"Seniors can't sit out front on their porches and kids can't play outside because drug dealing is going on all the time," he said. "People are living in fear."

Reid is hoping the Nuisance Eviction Ordinance, which goes into effect June 1, will offer some hope by making it easier to evict tenants engaging in criminal activities like dealing drugs or owning illegal weapons.

The law, modeled on a 1997 pilot program in Los Angeles, permits city officials to tell landlords to oust problem tenants.

Eric Moses, a spokesman with the Los Angeles City Attorney's office, said about 40 notices are issued a month. Most people who get a notice move, he said.

"Any time nuisance neighbors are removed from an apartment building, the other tenants feel empowered," he said. "It improves quality of life."

Under Oakland's law, officials would review the police records of those accused of engaging in illegal activities and decide if there is sufficient evidence to evict. If landlords don't act, they are subject to a fine of \$1000 a day.

Supporters hail the new law, which the City Council passed 6-2, as a way to force drug dealers and gang members out without lengthy court battles. But critics say the law is overly broad and violates civil rights.

"It's horrible. It's unconscionable," said Anne Omura, a managing attorney at the Eviction Defense Center in Oakland. "We feel that it just really tramples on the rights of tenants and doesn't give them a lot of due process."

She said the law was vague and could be used as a pretext to evict long term tenants with low rents.

Arturo Sanchez, a lawyer who works for the city administrator, will be in charge of implementing the ordinance. He says his office and the city attorney's office will review all the evidence and arrest reports carefully before they act.

"It's not the intent of this office to order the eviction of first time offenders," he said. "We're not trying to get the average here. We're trying to get the worst of the worst."

But Omura says it is not enough for Sanchez and others implementing the law to promise that they will be careful.

"That's great they're saying they're using their discretion wisely," she said. "Why not have the law reflect that wisdom? Clifford Fried, a landlord attorney thinks the law punishes landlords by slapping them with steep fines."

"I see property owners as victims just as much as other people in the neighborhood," Fried said. "There needs to be some route to deal with social problems and not place the burden on property owners."

Steve Edrington, director of the landlord group Rental Housing Association of Northern Alameda County, a landlord advocacy group, agrees that the law is hard on landlords. But he supports the ordinance, and says his group and other will watch carefully how it is implemented.

"There's potential that the city could just go wild and say let's make money and start fining the hell out of landlords," he said. "But most people at the City Attorney's office are going to do the right thing and not be cowboys."

Deputy City Attorney Richard Illgen, the primary author of the ordinance, points out both the landlord and the tenant can defend themselves against the evictions if they feel there is insufficient evidence.

"Nobody wants to evict," he said. "It's not fun. But at some point you have to decide if you are endangering other people on the property."