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Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87581 C.M.S.

INTRODUCED BY CITY ATTORNEY BARBARA J. PARKER AND  
COUNCIL PRESIDENT REBECCA KAPLAN

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### RESOLUTION URGING THE ALAMEDA COUNTY SUPERIOR COURT TO RESCIND ITS DECISION TO ELIMINATE SETTLEMENT CONFERENCES FOR HALF OF ALL UNLAWFUL DETAINER (EVICTION) CASES

**WHEREAS**, currently, unlawful detainer cases filed in Alameda County Superior Court are scheduled for mandatory settlement conferences prior to trial; and

**WHEREAS**, non-profit legal service providers, including providers funded by the City of Oakland, staff the mandatory settlement conferences, to provide free legal assistance to low income tenants facing evictions; and

**WHEREAS**, for many tenants facing eviction, the mandatory settlement conference is their only opportunity to speak with an attorney about their case; and

**WHEREAS**, settlement conferences allow landlords and tenants to reach amicable resolutions in eviction cases rather than incurring the expense and uncertainty of going to trial; and

**WHEREAS**, the Alameda County Superior Court has announced that beginning March 4, 2018, and continuing for four months thereafter, unlawful detainer cases will be randomly divided into two groups, one group, i.e., 50% of the unlawful detainer cases, will receive settlement conferences and the other 50% will not; and

**WHEREAS**, during this four-month period, half of tenants facing eviction in Alameda County will lose not only access to free legal services but also a venue to resolve their evictions without going to trial; and

**WHEREAS**, this action was taken in collaboration with Harvard Law School for the purpose of studying the efficacy of the Court's mandatory settlement conferences; and

**WHEREAS**, the Court took this action without seeking community input; and

**WHEREAS**, the data the Court seeks to collect could be obtained without denying the benefits of settlement conferences to low-income tenants; and

**WHEREAS**, even if the Court's action was well-intentioned, the Court should not make low-income tenants the unwitting subjects of an academic study when their homes are at stake; and

**WHEREAS**, in the midst of our dire and ongoing and escalating housing and homelessness crisis, it is crucial that we do all that we can to preserve housing for low-income and other tenants, rather than take actions that will cause tenants to lose their homes and be forced out of Oakland and perhaps relegated to homelessness; now, therefore, be it

**RESOLVED:** That the Oakland City Council calls upon and urges the Alameda County Superior Court to rescind its decision to eliminate settlement conferences for half of all unlawful detainer cases; and be it

**FURTHER RESOLVED:** That the City Council strongly urges and requests that the Court engage in a dialogue with community stakeholders to ensure that studying the efficacy of settlement conferences does not deny the benefits of settlement conferences to low-income tenants; and be it

**FURTHER RESOLVED:** That the City Council directs the Council President to send a copy of this resolution to the Presiding Judge of the Alameda County Superior Court.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 21 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, ~~BARON W. MONTANA~~, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 7

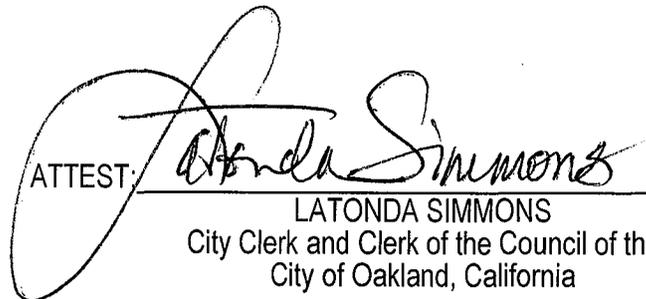
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 McArthur

ATTEST:

  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California