

DRAFT

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OAKLAND

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Approved as to Form and Legality

City Attorney's Office

OAKLAND CITY COUNCIL
RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember Ignacio De La Fuente

Resolution In Support Of Assembly Bill 1599 (Feuer & Fong) "Mortgages And Deeds Of Trust: Foreclosure Languages" Which Would Require All Documents To A Mortgagor Or Trustor Relating To A Delinquency, Default, Loan Modification, Foreclosure Proceeding, Or Foreclosure Sale Concerning That Mortgage Or Deed Of Trust To Be Provided In The Primary Language Spoken By The Mortgagor Or Trustor

WHEREAS, AB 1599 would require a mortgagee, trustee, beneficiary, or authorized agent to provide all documents to a mortgagor or trustor relating to a delinquency, default, loan modification, foreclosure proceeding, or foreclosure sale concerning that mortgage or deed of trust in the primary language spoken by the mortgagor or trustor, and

WHEREAS, existing law requires that, upon a breach of the obligation of a mortgage or transfer of an interest in property, the mortgagee, trustee, or beneficiary record a notice of default in the office of the county recorder where the mortgaged or trust property is situated and mail the notice of default to the mortgagor or trustor, and

WHEREAS, according to recent information issued by the Urban Strategies Council, "Oakland faces a severe and worsening foreclosure crisis;" and

WHEREAS, there were 8,009 foreclosures in Oakland from 2006 to 2010, a rate of 1 in 19 households in foreclosure; and

WHEREAS, in 2011, there were 3,337 Notice of Defaults filed and 1,508 completed foreclosures; and

WHEREAS, the number of REO properties in Oakland for 2011 marks an increase of 5.56% from 2010 figures; and

WHEREAS, the neighborhoods hardest hit by the foreclosure crisis in Oakland are primarily in the East and West Oakland flatlands of the City, the same neighborhoods with high populations of non-English speakers; and

WHEREAS, based on 2000 U.S. Census and 2005-2009 American Community Survey Oakland's citywide Spanish Limited English Proficient (LEP)-population is 12.8% and the Chinese LEP population is 5.4%; and

WHEREAS, according to the 2010 American Community Survey (ACS), 43% of Oakland residents spoke a non-English language at home with 53% of those residents stating they spoke English "less than very well," now therefore be it

RESOLVED that the Oakland City Council supports California Assembly Bill 1599 and encourages the California Legislature to support it; and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAFF, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

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