

## MISSING ORIGINAL LEGISLATION

Resolution / Ordinance Number: 88884  
City Council Meeting Date 5-3-2011  
Agenda Item No. 7.36  
Recorded Vote 7 Ayes, 1 Excused -Kaplan

### Reason for Missing Legislation:

- Draft submitted in agenda packet, original never received  
 Council amended legislation at the meeting

### Responsible Contact Information

Department Ada Chan

Contact Person/Ext. x 7083

Notes (if any)

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**DRAFT**

City Attorney

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

2011 APR 14 PM 4:48

**OAKLAND CITY COUNCIL****RESOLUTION NO. \_\_\_\_\_ C.M.S.**

Introduced by Councilmember Rebecca Kaplan

**Resolution In Support of Senate Bill 729 (Leno and Steinberg) This bill would prohibit a mortgagee, trustee, beneficiary, or authorized agent from recording a notice of default unless that party makes reasonable and good faith efforts, defined in bill, to evaluate the borrower for all available loss mitigation options to avoid foreclosure.**

**WHEREAS**, the foreclosure crises continues in California :

- One in five U.S. foreclosures is in California.<sup>i</sup>
- California is the hardest hit of all states with the highest number of foreclosures- 700,000 homes in some stage of foreclosure.<sup>ii</sup>
- There have been 1.2 million foreclosures since 2008 in California and that number is expected to climb to 2 million through 2012.<sup>iii</sup>
- Foreclosures in 2011 are expected to exceed 2010 levels.<sup>iv</sup>
- More than a third of California homeowners with a mortgage already owe more on their mortgages than their homes are worth.<sup>v</sup>

**WHEREAS**, the costs of the foreclosure crisis in California include (2008-2012):

- Homeowner losses to foreclosed and neighboring homes estimated at \$600 billion to as much as \$1 trillion,
- Property tax revenue losses estimated at \$4 billion, and
- Local government losses for multiple agencies and multiple levels of government to respond to absorb the increased foreclosure-related costs including maintenance of blighted properties, sheriff evictions, inspections, public safety, trash removal, and other costs estimated at \$17 billion—\$19,229 cost for every foreclosure.

**WHEREAS**, foreclosures in our community have had a fiscal impact on education, public services, infrastructure and essential safety-net services in our neighborhoods.

**WHEREAS**, banks continue to use flawed, and in some cases fraudulent, procedures which create foreclosures in our community. The revelations of widespread foreclosure mismanagement by mortgage servicers who failed to properly document the seizure and sale of homes has prompted investigation of foreclosure practices. In some cases, the banks who took those homes can't even prove that they had the authority to do so.

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
City Attorney

**WHEREAS**, unless we address the California foreclosure crisis, the damage to communities and the local economy will be staggering and long-lasting.

**RESOLVED:** The City of Oakland urges support for Senate Bill 729 (Leno and Steinberg),

**BE IT FURTHER RESOLVED** that our elected representatives in Sacramento be notified of the benefits of this bill to the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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<sup>i</sup> RealtyTrac.com.

<sup>ii</sup> RealtyTrac.com 2010 year end foreclosure filings and Center for Responsible Lending.