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AGENDA REPORT

TO: JOHN A. FLORES INTERIM CITY ADMINISTRATOR

FROM: Michele Byrd

SUBJECT: Quarterly Report on Foreclosure Issues

DATE: February 26, 2015

City Administrator Approval	A-	Date	3/1	BIK
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COUNCIL DISTRICT: City-wide

RECOMMENDATION

Staff recommends that the Committee accept this:

Quarterly Tracking Report on Housing Foreclosure and Outcome Data from Related City Programs.

EXECUTIVE SUMMARY

This quarterly report tracks the following areas related to the City's foreclosure and related housing conditions, data, and responsive programs developed: national and local foreclosure trends, housing costs, status of foreclosure mitigation and prevention programs, status of code enforcement related programs, and development of proactive programs and policy recommendations. Highlights from this quarter include the following:

- Nationally, for the first time in more than two years, foreclosures have increased—up five percent in January.
- In Oakland, foreclosure activities continue to decline compared to previous years. However, there were 168 new Notice of Defaults filed in the past quarter.
- Oakland's housing market continues to escalate in price. According to Zillow Real Estate Research, Oakland's median home sales price for January was \$438,900, an 11.4 percent increase over January of last year and the median list price in January for Oakland rentals (\$2,200) is 37.5 percent higher than the same month last year.

- From April to December 2014, outreach efforts have reached over 4,602 families; over 230 homeowners have accessed legal services, including 22 that have successfully obtained loan modifications; 16 tenant households accessed legal or counseling services; 68 home preservation grants were issued to tenant households; 44 homeowners are in the process for homeowner rescue funds, including with 12 completed cases; and 45 properties are in process for the Community Buying program, including 2 completed transactions.
- In the past quarter, the City's foreclosed properties code enforcement program proactively inspected 105 properties and found 1 blight violation; inspected 5 complaint-based properties and found 5 blight violations. Bank servicers registered 235 properties this quarter; there are a total of 1,000 active registrations in the City's registry (154 foreclosures and 846 in default).
- In response to requests from the Community and Economic Development Committee, staff has been working with PolicyLink and stakeholder groups to develop proposed comprehensive housing policies to address anti-displacement, new affordable housing development, and housing habitability priorities, entitled the Oakland Housing Equity Roadmap. Staff plans to provide the Roadmap for Committee consideration at its April 14th meeting.

BACKGROUND

This report responds to the standing request of the Community and Economic Development Committee for a quarterly report tracking housing foreclosure data and outcomes from City of Oakland programs designed to help address problems caused by foreclosures.

ANALYSIS

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I. <u>Residential Foreclosure Data & Trends</u>

National information on foreclosure issues shows the following trends in many urban communities, with recovering local economies, have continued this past quarter:

 In spite of falling mortgage delinquency rates, foreclosures have started to climb again with January foreclosures (in default and completed foreclosures) up five percent nationally. This marks the first annual increase nationwide following over two years of consecutive monthly declines. A reduction in investor activity has also resulted in a greater share of properties at auction ending up in bank inventory. January completed foreclosure (REO) outcomes are up twenty-three percent nationally and California REO outcomes up 58 percent from one year ago. In California, scheduled foreclosure auctions

showed an even greater year-over-year increase of 43 percent, a 22-month high, foreshadowing increased foreclosures this spring.¹

- 2. Zombie foreclosures are making a resurgence in 19 states nationwide, including California.²
- 3. Sale prices are up and availability of houses for sale is beginning to increase in tight markets.

National Trends & News

Regulatory agencies have continued to pursue some servicers for violating laws and regulations regarding servicing and foreclosures. For example, in December, major servicer Ocwen Financial Corp. was ordered to pay \$150 million in penalties to a New York Department of Financial Services related to improper foreclosures.³ Ocwen also agreed to pay the State of California \$2.5 million to settle a dispute over its failure to provide documentation evidencing compliance with State homeowner protection laws.⁴ In November Ocwen and Nationstar announced a deal for Ocwen to sell \$9.8 billion in servicing rights to Nationstar, which has also been the target of homeowner complaints about improper servicing practices.⁵

Oakland Data

A. Foreclosure Activities Continue to Decline

Notice of Default (NOD) filings remain relatively low compared to previous quarters, but have fluctuated slightly over the course of 2014. There were a total of 168 NODs recorded during the last quarter of 2014, close to the average of 164 per quarter over the year. This equates to an average of 54 filings per month, a 25 percent increase from the previous quarter, but this average is still down 20 percent from the prior year. Table 1 summarizes the NOD filings from 2012 to 2014.

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¹ <u>http://www.nationalmortgagenews.com/news/distressed/mortgage-delinquencies-fall-to-seven-year-low-on-job-growth-1045392-1.html;</u> http://www.realtytrac.com/news/foreclosure-trends/january-2015-u-s-foreclosure-market-report/

² http://money.cnn.com/2015/02/06/real_estate/zombie-foreclosure/

³ http://themreport.com/news/government/12-22-2014/ocwen-reaches-settlement-new-york-regulator

⁴ http://www.latimes.com/business/la-fi-ocwen-california-settlement-20150123-story.html

⁵ http://www.bloomberg.com/news/articles/2014-11-07/nationstar-leads-servicer-plunge-as-probes-widen-mortgages

Period	Qtr	Avg/Mo			
2012 Q1	609	203			
Q2	613	204			
Q3	494	165			
Q4	410	137			
2013 Q1	224	75			
Q2	305	102			
Q3	215	72			
Q4	211	70			
2014 Q1	193	64			
Q2	161	54			
Q3	134	45			
Q4	168	56			
Change in Avg si	25%				
Year-Over-Year					
Q3 2013 - Q3 20	Q3 2013 - Q3 2014				

Table 1. Oakland NOD Filings

More information, including foreclosure activities by specific major lenders is available in *Attachment A*.

B. Decreasing Short Sale⁶ Activities in Oakland

Average monthly short sale activity is down 35 percent from this time last year, up only slightly from the dip seen over the last few quarters. This is a reflection of both increased market values over the last year and the resulting drop in market activity. Short sales preceded by a NOD filing in the previous six months made up only 13 percent of all short sales, the same as last quarter and close to the 15 percent share in the last quarter of 2013. Table 2 summarizes the number of short sales that occurred with a NOD issued on the property, as well as the number of all short sales between 2012 and 2014.

⁶ Short sales occur when a property is sold and the lender agrees to accept less money than is actually owed. In a short sale, the homeowner does not receive any proceeds from the sale.

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Table 2. Oakland Short Sale Trends

Г	w/NOD in l	ast 180 days	All			
Period	Qtr	Avg/Mo	Qtr	Avg/Mo		
2012 Q1	95	32	235	78		
Q2	120	40	301	100		
Q3	159	53	342	114		
Q4 🗌	116	39	341	114		
2013 Q1	73	24	231	77		
Q2	54	18	260	87		
Q3	17	6	96	32		
Q4.	24	8	162	. 54		
2014 Q1	25	8	117	39		
Q2 🗍	11	4	84	28		
Q3 [12	4	96	32		
Q4	14	5	105	35		
Change	from last Qtr:	17%		9%		
Change f	rom last year:	-42%		-35%		

C. Auctions Increase While Investor Activity Declines

In the last quarter of 2014 trustee auctions surged up 39 percent from the previous quarter's decline, but even so remained below 50 percent from the last quarter of 2013. Despite the fact that overall auctions remain low relative to previous quarters, greater shares of foreclosed properties are ending up in bank inventory. Investor activity was down to only 25 percent of purchases at auction, leaving 40 new properties in bank ownership for the quarter, similar to the scale of REO outcomes 12-18 months earlier. This is the highest quarterly share of REO outcomes at auction in the last three years. Table 3 summarizes the number of properties sold through foreclosure auction and the numbers that went to bank ownership (REO) from 2012 to 2014.

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Table 3. Auction Outcomes

	All Au	ctions	Auction	
Period	Qtr	Avg/Mo	to REO%	
2012 Q1	405	135	71%	
Q2	278	93	62%	
Q3	266	89	57%	
Q4	231	77	60%	
TOTAL 2012	1180	98	63%	
2013 Q1	161	54	55%	
Q2	151	50	26%	
Q3	103	34	38%	
Q4	105	35	40%	
TOTAL 2013	520	43	40%	
2014 Q1	89	30	57%	
Q2	71	24	31%	
Q3	38	13	50%	
Q4	53	18	75%	

D. Housing Market Prices Continue to Increase With Sharp Increase in Sales of Non-Distressed Properties

Overall property sales are down 17% from last quarter, but are still over 21 percent from the previous year due to the surge in regular market sales that began the second quarter of 2014. There were a total of 1,389 sales for the quarter, an average of 463 per month. Distressed property transactions have held fairly steady for the last three quarters, with an average of 142 properties a month sold from auction, bank ownership, or short sale in the last quarter of 2014. This is down 12 percent from the prior year. Table 4 summarizes the sale of properties in the foreclosure process (non-market distressed sales), non-distressed properties (regular market sales), and all properties from 2012 to 2014.

Table 4. Oakland Sales Trends

	Reg.Ma	rket Sales		on-Market/ stressed Sales		All Sales	
Period	Qtr	Avg/Mo	Qtr	Avg/Mo	Qtr	Avg/Mo	
2012 Q1	280	93	685	228	965	322	
Q2	514	171	861	287	1375	458	
Q3	554	185	748	249	1302	434	
Q4	668	223	688	229	1356	452	
2013 Q1	556	185	533	178	1089	363	
Q2	885	295	518	173	1403	468	
Q3	879	293	494	165	1373	458	
Q4	793	264	541	180	1334	445	
2014 Q1 [*]	698	233	581	194	1279	426	
Q2*	1005	249	572	141	1168	389	
Q3*	1158	386	396	132	1554	518	
Q4 [*]	963	321	426	142	1389	463	
Change fron	1 last Qtr:	-17%		8%		-11%	
Change from last year:	~	21%		-21%		4%	
	Share of activity from distressed sales this quarter						
	Shar	e of activity	from distre	ssed sales l	ast year	41%	

*Sales figures for 2014 were revised upward from last quarter's report after an annual review to incorporate missing data due to reporting delays. This increased Q1, Q2, and Q3 by 93, 259 and 345 transactions respectively.

Oakland's housing market continues to grow, bolstered by an influx of international capital that makes our city one of the nation's fastest-moving housing markets,⁷ A recent report featuring Leslie Appleton-Young, chief economist for the California Association of Realtors, reported that homes in Oakland only stay on the market for an average of 14 days, with many homes attracting multiple offers and resulting in inflated sales prices.⁸ According to Zillow Real Estate Research, Oakland's median home sales price for January was \$438,900, which is an 11.4 percent increase over January of last year.⁹

The median list price in January for Oakland rentals (\$2,200) is 37.5 percent higher than the same month last year.¹⁰

- ⁷ http://money.cnn.com/2014/07/23/real_estate/chinese-home-buyers/
- ⁸ http://money.cnn.com/gallery/real_estate/2013/03/14/sellers-markets/
- ⁹ http://www.zillow.com/oakland-ca/home-values/

¹⁰ http://www.zillow.com/oakland-ca/home-values/

II. FORECLOSURE PREVENTION & MITIGATION PROGRAM STATUS

On October 16, 2012, Council approved funds for new and expanded activities to prevent and mitigate foreclosures, including the following:

- Direct outreach to homeowners with a NOD and tenants living in NOD properties;
- Hotline services for tenants and homeowners in distress to connect to appropriate services;
- Housing counseling and legal services;
- City escalation team to work with Bank escalation teams;
- ROOT loan fund program to preserve homeownership for qualified distressed families; and
- Reporting of violations of National Mortgage Settlement Agreement or the new State Homeowner Bill of Rights Act to the State Monitor or Attorney General's office.

In the first year of the foreclosure prevention and mitigation initiative outreach workers made over 4,000 attempts and ultimately reached nearly 800 homeowners and tenants occupying NOD and REO homes to provide information about available resources; over 350 homeowners received housing counseling or legal services to prevent or mitigate foreclosure; and over 200 tenants in properties affected by default and foreclosure received tenant counseling or legal services. These efforts kept over 90 homeowner households and over 50 tenant households in their homes, and provided alternative housing solutions for 23 other families.

From April to December 2014, outreach efforts have occurred to over 42,765 households, reaching over 4,602 families. During this period, outreach workers conducted door-to-door outreach in Oakland neighborhoods that have been impacted by the foreclosure crisis and escalating housing costs to inform homeowners and tenants about housing rights and resources, in addition to foreclosure-related assistance. Also through January 2015, over 230 homeowners have accessed legal services, including 22 that have successfully obtained loan modifications. For more details about performance outcomes, see *Attachment B*.

Jobs for Oakland Residents

In addition to staff currently employed with the funded organizations, the outreach organizations employed eight employees to conduct street outreach on a part-time basis, all of whom are Oakland residents.

National Learning Community

There is continuing interest from other communities regarding the City's foreclosure prevention and mitigation plan and housing equity strategies and staff has provided information and/or

assistance this quarter: a national convening organized by HOPE NOW, Assemblyman Bonta, and NID, as well as a regional convening organized by UC Berkeley's Haas Institute for a Fair and Inclusive Society.

Addressing Critical Gaps—New Home Preservation and Anti-Displacement Efforts

As discussed in prior reports, staff has been working with the National Fair Housing Alliance (NFHA) and local organizations to address the new challenges that Oakland homeowners and renters currently face. The following is an update of the new resources and efforts.

Homeownership Preservation Loan Fund: The Unity Council administers a fund that provides grants up to \$50,000 per household for families who need gap funds as part of a home preservation strategy. The Fund began early in 2014 and has helped 12 Oakland households in distress keep their homes with another 4 loans in underwriting and several other applications pending review.

Tenant Anti-Displacement—*The Pay It Forward Fund*: Catholic Charities has agreed to administer the new \$250,000 dedicated to provide rental housing assistance grants of up to \$5,000 per household for tenant families being pushed out of their rental housing. Since grant-making began in April 2014, Catholic Charities has issued a total of 68 grants to prevent homelessness for 43 tenant families.

Community Buying Program—Transforming Abandoned Properties into New Affordable Housing with Minimal Public Subsidy: Hello Housing, the City's selected nonprofit administrator, working with City staff, will enter into an official purchase agreement February 2015 with the County of Alameda Board of Supervisors for 32 tax defaulted properties through the Community Buying Program. These lots will produce new affordable home ownership and rental opportunities for Oakland residents earning 120% or less of the area median income. This purchase represents the collective efforts of the City, a team of mission-driven developers and Hello Housing to create an affordable housing solution that will require minimal, if any, public subsidy. To-date, the Community Buying program has closed on 2 homes, with 8 purchase transactions pending and 2 properties pending negotiations with sellers.

Bigger Scale Prevention Efforts

Like other communities around the nation hard hit by the foreclosure crisis, the City of Oakland has been attempting to develop bigger scale prevention solutions beyond the labor-intensive individual by individual homeownership preservation strategies. As discussed in prior reports, the City has been working with national, State, and local groups on the development of a

possible distressed mortgage notes sale program. As experienced by prior efforts,¹¹ there are significant challenges to the effectiveness of such programs, including the following:

- The willingness or current ability of lenders to sell distressed mortgage notes that are disaggregated by locality rather than bundled into larger geographies;
- The relatively low numbers of homeowners in distress who could sustain new mortgage payments even with a re-setting of mortgage to market value and some subsidy assistance from the new Oakland Homeownership Preservation fund;
- Effective alternative disposition strategies for the families who cannot sustain homeownership and for properties which are vacant; and
- The financial viability and sustainability of operating the programs.

Staff has been conducting due diligence regarding a possible pilot program and has received commitments from National Community Capital (NCC) to conduct a pilot program in Oakland. Based upon research conducted, NCC has produced the best outcomes nationally of purchasing distressed mortgage notes and successfully modifying mortgages.

III. FORECLOSED PROPERTIES PROGRAM STATUS

The following is a quarterly and year-to-date summary of performance outcomes from the City's Foreclosed and Defaulted Properties Registration, Inspection, and Maintenance Program. Specific information, including performance by major lenders is provided in *Attachment A*.

Table 5. FDRP Program	Total					A 11
Revenue	Registratio	Registra	tion Fees	Pena	ilties	All Revenue
Time Period	ns	Count	Total	Blight	Registration	Kevenue
Q4 2014: 10/1/14 - 12/31/14	276	74	\$ 30,104	\$ 28,092	\$ 255,000	\$ 313,196
FY 14-15 to date	457	133	\$ 75,544	\$ 50,577	\$ 292,000	\$ 418,121

The number of active blight cases for defaulted or foreclosed properties continues to fluctuate. Abandoned properties in default and long-term REOs with hostile occupants remain the most difficult types of cases and code enforcement staff continues to coordinate with the City Attorney's office when a there is a concurrent case for public nuisance in addition to violations related to property conditions. Coordinated cleanups by the servicers' vendors with the support of the Oakland Police Department continue to be a valuable abatement tool, but recurring

¹¹ For example, staff conducted due diligence on the efforts of the Mortgage Resolution Fund, a national partnership to assist homeowners in Illinois and Ohio through the purchase of mortgage notes. http://mortgageresolutionfund.org/

violations following failure to maintain are a challenge to staff time and neighborhood stability. Staff continues to aggressively pursue lenders for blight and registration violations, as well as reporting the monthly inspections that are required by Oakland Municipal Code section 8.54. As properties transition to third-party ownership, the Investor Owned Properties Program (OMC 8.58), discussed in the next section, provides an important tool to continue to address violations left unabated at the conclusion of the foreclosure process.

This quarter six new cases were opened following complaints: three were addressed timely, two resulted in blight penalty assessments, and one case is pending. Three additional properties were assessed penalties for unabated violations that began the previous quarter. In one case the assessments were the second series of fines for ongoing issues. That case has since been abated.

Proactive inspections of 105 properties were conducted in late December and only one property was found to have violations that were the responsibility of the lender. Two additional cases were opened for violations that were the responsibility of the owner in default. All three cases were abated timely.

Compliance efforts this quarter remained focused on bringing the registry current with regard to status and inspections, as well as collection of past due fees and registration and blight penalties. As with the last few quarters, this is reflected in the spike in registration revenue and "newly registered" properties given that fees are required in order for a property to have registered status. The active registry now contains 1,000 properties, 154 of which are bank owned. A significant number of penalty assessments for non-compliant registrations and unabated blight violations are still in the collection stage.

IV. STATUS OF INVESTOR OWNED FORECLOSED AND DEFAULTED PROPERTIES PROGRAM

In November 2012, the City Council passed an ordinance requiring the registration, inspection, and maintenance of formerly foreclosed or defaulted properties purchased by investors. The Program, including a new online registration portal, launched in early August 2013. Registration notices were issued to 176 properties between August 2013 and February 2015 with the following outcomes:

Registrations

- 176 notices have been issued for registration;
- 126 properties have been completely registered;
- 58 penalties have been assessed for failure to register; 14 were rescinded due to appeal or exemption;
- 27 registrations are pending following a notice of registration; and
- 30 properties were determined exempt due to existing permit activity.

Inspections and Abatement

- 65 cases have been closed: 11 with no violations and 52 with timely abatement;
- 54 cases have abatement in progress; and
- 23 inspections are pending.

<u>Table 6. IORP Program</u> <u>Revenue</u>	Registi	ation Fees	Penalties	All Revenue
Time Period	Count	Total	Total	Revenue
Q4 2014: 10/1/14 - 12/31/2014	17	\$ 9,656	\$ 5,834	\$ 15,490
Program To Date (8/2013 -2/2015)	126	\$ 71,568	\$ 67,161	\$138,729

V. DEVELOPMENT OF PROACTIVE PROGRAMS AND POLICY RECOMMENDATIONS

As provided in past reports, staff has been working with community partners and national experts to develop new strategies and identify new resources and/or policies to address the City's current housing challenges in the aftermath of the foreclosure crisis. The City has asked Urban Strategies Council and Policy Link, funded by the National Fair Housing Alliance, Wells Fargo, and San Francisco Foundation to work with us to develop a long-term housing plan, the Oakland Housing Equity Roadmap, to identify possible new policy, program, or revenue strategies to address the following:

- 1. Production of new affordable housing units;
- 2. Preservation of existing affordable subsidized and non-subsidized housing stock;
- 3. Improving habitability conditions of existing housing;
- 4. Transforming abandoned properties into new housing opportunities, especially long-term affordable housing; and
- 5. Development of viable incentives and other strategies for private real estate community participation.

Staff has met with different stakeholder groups, including the following: Alliance for Californians for Community Empowerment, Alameda County Public Health Department, Causa Justa: Just Cause, East Bay Rental Housing Association, Jobs and Housing Coalition, Oakland Community Organization, Oakland Realtors Association, East Bay Housing Organization, and others.

The Roadmap information has been integrated into the City's Housing Element and has been serving as the Action Plan component for the Housing Element. Pending discussion with the Community Economic Development Committee Chair Councilmember Reid, staff is recommending that the Housing Equity Roadmap be presented at the April 14th CED meeting.

SUSTAINABLE OPPORTUNITIES

Economic: Oakland's foreclosure crisis has had devastating economic impact to residents, neighborhoods, economic development efforts, and City revenues. Blighted foreclosed or defaulted properties have resulted in significant expenditures of limited City resources including Code Enforcement, Police, Fire, and City Attorney. The City's proactive strategies will foster Oakland's economic goals.

Environment: Vacant or unmaintained foreclosed or defaulted properties have impacted the City's physical environment, as well as the health of residents. The City's proactive strategies will foster Oakland's environmental goals.

Social Equity: The foreclosure crisis has disproportionately impacted lower income residents who reside in flatland neighborhoods. The crisis has also significantly contributed to the current affordable housing crisis. The City's proactive strategies will foster social equity goals.

For questions regarding this report, please contact Margaretta Lin at 510-238-6314.

Respectfully submitted,

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Prepared by:

Margaretta Lin Strategic Initiatives

Departments of Housing and Community Development and Planning and Building

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Attachment A: Foreclosure Data & Properties Status Attachment B: Foreclosure Prevention Performance Outcomes

Total Violations	Pending 0 0 0 1 0 1 1	atement Timely	Penalties
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Notes on Methodology:

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*There are often multiple entities involved in the loan for a defaulted or foreclosed property, including the lender or investor/note holder and the servicer that manages the loan payments. Properties are assigned to the primary responsible party based on a combination of information pulled from public records and details provided in the registry.

Status	Outreach (OCCUR and MLK)	Homeowner Legal Services (HERA)	Tenant Foreclosure Counseling (CJJC)	Tenant Foreclosure Legal Services (Centro Legal & EBCLC)	Tenant Rescue Loan Fund (CCEB, Apr 14-Feb 15	Homeowner Rescue Fund (Unity Council, Feb 14-Feb 15)	Community Buying Program (Hello Housing, May 14-Feb 15)
HHs Reached or Served	42,765 attempts 4,602 reached	234	Total: 12	Total: 4 3 EBCLC 1 Centro	Total grants to date: 68 grants to 43 households	Number of applications: 44	Current properties in pipeline: 45
Outcomes	 1,644 referred to CJJC's Tenant Rights Hotline 1,702 referred to the Housing Assistance Center 1,921 Housing surveys completed 	 22 loan mod completed 7 other help keeping home 52 loan modifications or help to save home pending 137 brief legal service or counseling 9 referred to City escalation or Homeowner Rescue Fund 22 post-foreclosure sale 	 9 Pending 2 Referred to Legal Services 1 Sent to City of Oakland for escalation action 	EBCLC • 1 Pending • 2 Negotiated settlement (cash for keys) <u>Centro</u> • 1 Stopped foreclosure	• 6 applications pending	 12 loans completed 4 loans in underwriting 16 applications under review 8 applications declined 4 applications withdrawn 	 32 purchase transactions pending 11 negotiations with seller pending 2 property completed