



**CITY CLERK'S OFFICE**  
**MEMORANDUM**

June 28, 2023

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: JULIE DRIMAKIS, CITY CLERK**

**SUBJECT: COUNCIL MEETING OF JUNE 28, 2023, 5:15 PM**  
**AGENDA ITEM DEFERRED BUSINESS 11.a.**

---

This memorandum is to transmit email correspondence received by Daulton Jones and Sandra Plascenia-Rodriguez regarding said item.

Attachment



## Julie Drimakis

---

**From:** Daulton Jones <daultonj16@gmail.com>  
**Sent:** Tuesday, June 27, 2023 3:33 PM  
**To:** City\_Council; City\_Clerk  
**Subject:** Public comment: Deferred Buisness Fiscal Year 2023-24 City Budget

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon members of the council,

I am writing this public comment to ask that a legitimate robust participatory budgeting process be implemented on at the City level to achieve a budget that represents the needs of community more effectively than we are presently. Which is a budget aimed at increasing policing residents.

Participator budgeting would increase community involvement in government, and more importantly come up with creative economic solutions to the harms our communities are living through. One being the dangers of increased police presence in BIPOC communities. There is not one piece of evidence proving that increased police presence is beneficial for black or brown communities, and this years budget like others before it continues to fund the abuse of black and brown communities by police. I ask you to please institute a participatory budgeting process for the 2024-25 City Budget.

Sent from my iPhone



**TENANTS  
TOGETHER**



**BUILDING HEALTHY  
COMMUNITIES KERN**

June 28th, 2023

Bakersfield City Council  
ATTN: City Clerk  
1600 Truxtun Ave  
Bakersfield, CA 93306

**Re: 11a – Fiscal Year 2023-2024 City Budget**

Dear Mayor Goh, City Council Members, and Staff,

The Keep Bakersfield Housed Coalition is a diverse coalition of community members, organizations and legal aid organizations. We all work alongside tenants who are facing an eviction, housing issues throughout the City or have been personally affected by this. The Keep Bakersfield Housed Coalition asks that the City of Bakersfield allocate \$1 million dollars in the FY 2023-2024 City Budget for an Eviction Prevention Pilot Program that will include education and outreach on tenant rights and landlord responsibilities, legal guidance for tenants, and direct attorney representation for tenants in the case of an eviction. Additionally, we also ask that the Eviction Prevention Program be agendized for discussion during the Mid-Year Budget presentations to discuss the potential for additional funding for this program.

**THE PROBLEM: DISPLACEMENT AND HOMELESSNESS**

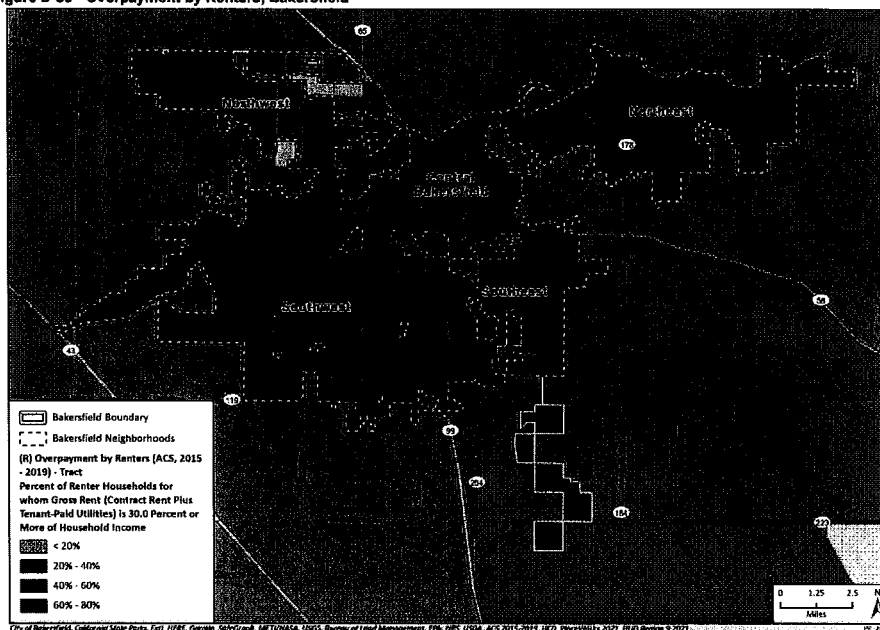
Close to half of all households in Bakersfield are renters and the majority are paying well over 30% of their income on rent and utilities<sup>1</sup>. Over the past 40+ years, the cost of living has risen but income has remained relatively flat. Bakersfield has a shortfall in affordable housing units, only permitting 701 low income or very low income units in comparison to 15,104 moderate or above moderate units according to the 2022 Annual Progress Report. The lack of

---

<sup>1</sup> Bakersfield General Plan Existing Conditions Background Report  
[https://bakersfield2045.com/wp-content/uploads/2022/08/20-10096\\_BkrsfldGnrlPln\\_BackgroundReport\\_PublicDraft.pdf](https://bakersfield2045.com/wp-content/uploads/2022/08/20-10096_BkrsfldGnrlPln_BackgroundReport_PublicDraft.pdf)

Additionally, those who currently do rent in the city are cost burdened. In Bakersfield, 49% of renters are cost burdened with 24% of those renters being severely cost burdened<sup>3</sup>. The vacancy rate in Bakersfield for tenants is 3.6%<sup>4</sup> forcing families to live in overcrowded and unaffordable housing. Overcrowded and cost burdened renters are living only one unexpected life event away from an eviction, causing fear and instability inside of the home. Below are two figures from the Housing Element AFFH Draft highlighting cost burden by renters and those most at risk of displacement.

**Figure D-39 Overpayment by Renters, Bakersfield**



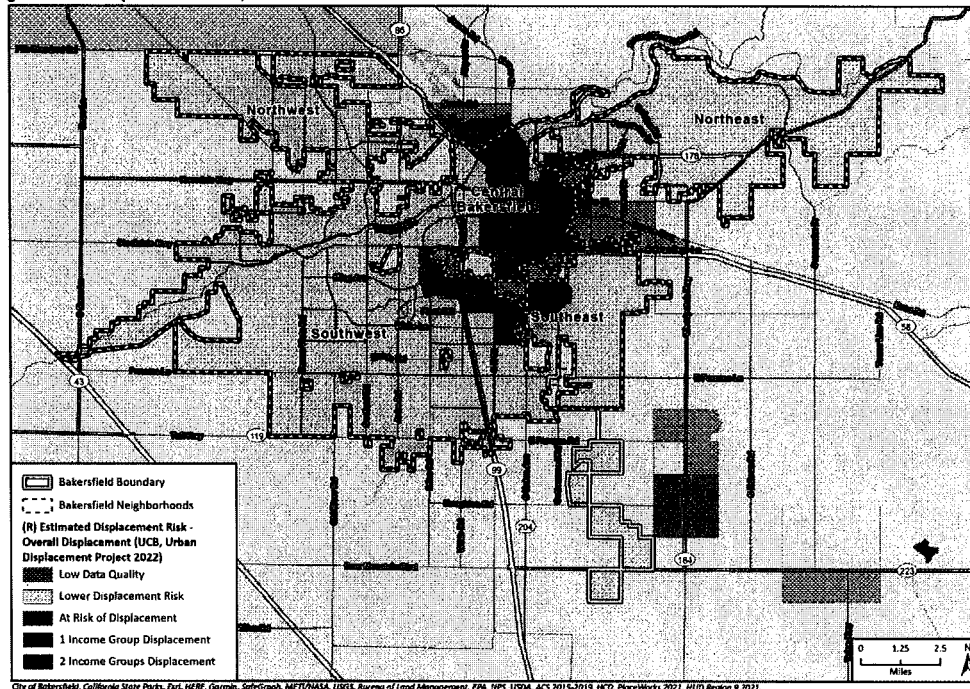
<https://bakersfieldnow.com/news/local/lack-of-affordable-housing-a-primary-driver-of-homelessness>

<https://bakersfield2045.com/wp-content/uploads/2023/04/Appendix-B-Housing-Needs-Assessment.pdf>

<https://bakersfield2045.com/wp-content/uploads/2023/04/Appendix-B-Housing-Needs-Assessment.pdf>

Figure 2: Displacement Risk in Bakersfield

Figure D-47 Displacement Risk, Bakersfield



These conditions consistently lead to thousands of eviction cases annually in Kern County with the majority of formal evictions taking place within the City of Bakersfield. Based on data from Faith in the Valley's Evicted in Kern report, from 2006-2016, there were 42,663 evictions in Kern County, with the maximum number of evictions peaking in 2009, during the last great recession<sup>5</sup>. According to unlawful detainers (UD) data from the Kern County Superior Court, the number of filings show a steady increase in filings. During 2021, the lowest UD filing was 96 during October and the highest was 150 during December. The highest filing month during 2022 was 154 in February and the highest was 311 during December. Findings also revealed there was an increase in Residential UD filings from July to August of 2022 jumping from 271 to 369. While many factors can contribute to a UD, we know that the Rental and Utility Assistance (RUP) program ended in August of 2022 which left tenants without a safety net while trying to recover from the pandemic. The state Eviction Moratorium ended March 31st, 2022 during which eviction filings in Kern jumped from 154 in February to 213 in March. Although there was a slight decline to 191 in April 2022, eviction filings have remained above 200 each month since April 2022, around the time when the moratorium ended. Tenants in the City of Bakersfield need stronger and readily available tenant protections and resources to help prevent homelessness.

<sup>5</sup> Faith in The Valley: Evicted In Kern, p1-5  
<https://faithinthevalley.org/evicted-kern/>

The lack of legal aid and eviction defense for tenants has created inequities in the eviction process. There is tremendous need, but a shortage in available services. Legal aid organizations, such as GBLA and CRLA provide an invaluable service to eligible residents, but the demand for services far exceeds the current capacity, and eligibility requirements prevent the participation of the most vulnerable residents, such as undocumented residents. High costs for attorney representation ranging from \$3,000 to \$5,000<sup>6</sup> can also hinder access to attorney representation during a UD. For tenants that are already experiencing housing cost burden, the expense is unlikely to be attainable. Thus, a comprehensive well funded Eviction Prevention Services program is imperative to keep residents housed in the City.

## **CURRENT SERVICE GAPS**

The City of Bakersfield collaborates with various community organizations to provide various programs such as rental assistance, rapid rehousing or home rehabilitation and weatherization programs. Sadly, these funds run out astronomically quick or have stringent requirements to be eligible. Most of these programs are also routed through the 211 number that serves a variety of different topics, not just housing specifically. Additionally, many residents are not favorable of the 211 number stating long wait times, calls being cut and assistance not being helpful. The processes to receive services are also mostly through the Coordinated Entry System (CES), like the most recent ESG-CV rental assistance funds. Residents have stated they have waited months to connect with a case manager, which is a timeline tenants facing evictions cannot bear due to the fast turnaround times to respond to an eviction.

Additionally, there is a service gap when addressing uninhabitable units. While we understand that code enforcement aims to make sure tenants live in habitable and safe buildings, there seems to be a lack of accountability on behalf of landlords to provide relocation assistance when buildings are deemed uninhabitable and tenants have to vacate the home. Chapter 9.44 under the Tenant Protection Act states, “Any tenant subject to this provision whose tenancy is terminated for no-fault just cause is entitled to a relocation payment from the landlord, [including when] the landlord is complying with an order issued by a government agency or court requiring the rental unit be vacated<sup>7</sup>.” Landlords should pay relocation assistance when a building is deemed uninhabitable by code enforcement but we do not see this actually happening throughout the City. We need code enforcement officers to be trained on tenant rights and attorney’s through an Eviction Prevention Services program to make sure that when tenants are at risk of

---

<sup>6</sup> California Eviction

<https://www.jamescolincampbell.com/california-eviction/#:~:text=The%20typical%20legal%20fees%20for,between%20%24250%20%E2%80%93%20%24500%2Fhr.>

<sup>7</sup> Chapter 9.44 Tenant Relocation Assistance

<https://www.codepublishing.com/CA/Healdsburg/html/Healdsburg09/Healdsburg0944.html#9.44.040>

displacement due to uninhabitable units, they are not at risk of being in the streets due to circumstances not in their control.

A Comprehensive Eviction Prevention Program for all residents is cost-effective<sup>8</sup> and can help provide the services needed to make sure tenants have knowledge and resources to prevent eviction and also direct representation in court if their situation were to escalate to an eviction. Such a program can help address some of the service gaps residents have identified by providing readily available legal services to residents which can help lead to landlord accountability rather than creating an expense for the City in the long run. As City Council Members have expressed in the past, keeping residents housed is cheaper in the long run than rehousing or supporting residents when they are unhoused. Bakersfield Now reported that in 2019, the City was spending \$18 million<sup>9</sup> to address homelessness, with shelter expansions and the passing of Measure N in 2019 we can speculate that the City is spending more funding on homelessness today than it was before the pandemic.

## **EVICTIION PREVENTION SERVICES: PROPOSAL**

In order to address the risk of tenant housing displacement as a result of landlord harassment, illegal rental increases, habitability problems, illegal evictions and lack of legal resources and attorney representation for tenants, we propose the \$1 million budget allocation to be used for the following services:

### **a. Outreach & Education**

A mass educational campaign is necessary to inform tenants and landlords of their responsibilities and rights. The campaign can be implemented in partnership with community-based organizations, legal aid nonprofits, and other trusted groups with existing relationships in target communities. Targeted communities are historically underrepresented communities with low median incomes and higher shares of vulnerable populations. The free services would educate tenants about landlord-tenant rights, legal vs. illegal evictions, and their rights and responsibilities in eviction court. Tenants would have access to free information and services, in their preferred language, to aid them before and during eviction processes. Tenants would also be provided with information and guidance on how to navigate the complicated legal court process.

LCJA and our partner organizations have been receiving calls from tenants regarding illegal rental increases, habitability issues, landlord harassment and eviction notices. With limited

---

<sup>8</sup> Cost-benefit Analysis of Providing a Right to Counsel to Tenants in Eviction Proceedings  
[https://info.stout.com/hubfs/PDF/Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report\\_12-10-19.pdf](https://info.stout.com/hubfs/PDF/Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report_12-10-19.pdf)

<sup>9</sup>Cost of homelessness: Bakersfield spending \$18 million this year  
<https://bakersfieldnow.com/news/local/cost-of-homelessness-bakersfield-spending-18-million-this-year>

legal aid resources throughout the City, the housing services need is much greater than the capacity our local legal aid organizations can provide. Additionally, residents simply do not know what resources are available to them throughout the City. We envision Eviction Prevention Services to be a central hub of information that connects all the legal aid resources currently available to tenants in Bakersfield. This can include the Law Library, Tuesday Beale Library Legal Clinics<sup>10</sup> and a list of all legal aid assistance available in the City of Bakersfield.

Residents in Bakersfield are urgently trying to learn more about their rights as a tenant to protect themselves as best as they can. An Eviction Prevention program would be an expansion of these services provided through clinics, workshops, printed and digital materials, and door-to-door outreach. A more detailed outreach and education campaign can be further developed in partnership with the agencies and organizations who will be involved. The goal is that with a proactive educational campaign, eviction filings would be reduced, and unnecessary litigation would be avoided.

#### **b. Legal Aid**

Having to deal with the nebulous legal system is difficult for anyone, let alone for tenants who do not have the time, resources, or language proficiency. The goal of having a comprehensive pre-litigation intervention will help to alleviate the cost and impact of any trials, help with keeping communities stable, and improve the tenant/landlord relationship. This programmatic piece will include over-the-phone, virtual, and in-person support to answer housing-related questions and provide legal advice and support as needed. For instance, this may come in the form of providing a template letter to respond to an illegal rent increase or responding to a legal document.

#### **c. Direct Legal Representation**

When pre-litigation interventions are unsuccessful or the tenant learns about attorney representation services after litigation has already begun, an attorney could provide full legal representation in eviction actions. Legal representation would include, but not be limited to: answer preparation, unlawful detainer representation, and post-judgment motions. Legal advice and litigation services would also be made available in “real-time” at the courthouse on days when eviction court is in session.

#### **d. Evaluation**

We encourage a comprehensive annual evaluation of the RTC program by an advisory committee that consists of diverse stakeholders, such as legal aid organizations, Community Based Organizations that work directly with tenants, City/County staff, Bakersfield’s Tenant Union and a landlord representative to determine its effectiveness.

---

<sup>10</sup> Beale Memorial Library has Free Legal Assistance Every Tuesday Night  
[https://southkernsol.org/2023/01/05/beale-memorial-library-has-free-legal-assistance-every-tuesday-night](https://southkernsol.org/2023/01/05/beale-memorial-library-has-free-legal-assistance-every-tuesday-night/)  
/



Moreover, the aforementioned services can be leveraged with existing City policies, programs, and resources, and partnerships with non-government agencies to address the current housing crisis as a whole. These programs include:

- HOME ARP
- Affordable Housing Trust Fund
- Housing Rehabilitation Program
- HOME Funds
- Ad Hoc Committee for Homelessness and Housing
- Housing Element Program Implementation
- Transformative Climate Communities
- Measure N Funding Priorities
- Partnerships with community-based organizations, legal aid organizations, and other non-government agencies to outreach to tenants who are most at risk of housing instability

## **PROPOSED BUDGET**

The Keep Bakersfield Housed Campaign asks for \$1 million in funding from the upcoming 2023-2024 Bakersfield City Budget to help establish an Eviction Prevention Pilot program that will help keep tenants housed amidst the on-going housing crisis. Currently, \$350,000 has been proposed from Measure N funding for this program in the proposed budget. On September 21st, 2022, the City Council approved a motion to allocate \$500,000 in American Rescue Plan Act (ARPA) funding into contingency from workforce development to explore the possibility of eviction protection services<sup>11</sup>. At this time, City Staff has not confirmed the availability of the \$500,000 from ARPA for the use of eviction prevention services. However, should any of the funds still be in contingency for the intended purpose as approved in September, 2022, we ask City Council to move the \$500,000 ARPA allocation from contingency and allocated specifically for the implementation of an eviction prevention program to help reach the \$1 Million budget ask. Additionally, if there are no funds left over from this allocation, we urge the City Council to use any remaining ARPA funding in addition to the \$350,000 to create a well funded Eviction Prevention Program.

We acknowledge Council Members and Staff's concerns regarding continual funding for this program. In response, we underscore the alignment of eviction prevention services to Measure N funding priorities to address homelessness, and raise that Measure N revenue should be used to fund this program in the long term. We also recommend City Council and Staff to seek and apply for grants such as Homeless Prevention funds, ProHousing Implementation

---

<sup>11</sup> October 5th, 2023 City Council Meeting Minutes, p. 22  
<https://bakersfield.novusagenda.com/AgendaPublic/>

Program funds, and other grant opportunities to continue to grow the eviction prevention program. Lastly, while we understand that the City is preparing for a deficit in revenue, keeping residents housed is more cost-effective in the long-run and can lead to an overall improvement of quality of life if housing needs are met.

With the current \$350,000 set aside in Measure N funding for this project, we have created an estimated budget on how the funding can be used at that amount. Below is a proposed working budget for an Eviction Prevention Program at the current proposed Budget of \$350,000:

**Estimated Budget for Eviction Prevention Pilot**

<b>Input</b>	<b>Description</b>	<b>Cost</b>
Attorney	2 attorneys can help to provide tenant representation and assistance.	\$250,000 (\$125,000 per attorney)
Legal Secretary	One full-time legal secretary to manage the administrative duties associated with eviction prevention.	\$55,000
Legal Clerks (Paralegals)	Stipends for 2 year-round part-time legal clerks to work under the supervision of program attorneys.	\$50,000 (\$25,000 per clerk)
<b>Total</b>		<b>\$355,000</b>

While we can acknowledge 2 directing attorneys can assist a good number of tenants throughout the City, we must also acknowledge that we cannot be certain residents will be helped in an efficient and quick manner due to the lack of staff that had to be cut due to the low funding, and due to the lack of funds for a public service announcement campaign. Lack of funding for a public service announcement campaign will continue to reiterate the continuous cycle of resources being available but unknown to the community who needs it. We highly encourage that the City allocate an additional \$650,000 to meet the \$1 million budget request to help ensure more residents can receive the dire help they need in an efficient and quick manner. Referencing back to the UD Kern County Court Data, we again state that eviction filings are slowly on the rise meaning the risk of displacement for residents is also on the rise. We can approximate that between 2006-2016 there were approximately 42,663 evictions in Kern County, meaning on average there were approximately 4,266 evictions yearly. With unlawful detainer filings on the rise, helping approximately 650 tenants a year would not make as big of an impact to curve the housing crisis and provide the much needed help tenants desperately need. This program would help educate and provide the legal representation and assistance that tenants facing an eviction desperately need.

Additionally, we would like this program to be revisited during the Mid-Year Budget as an agenda item on the City Council agenda during the Mid-Year Budget. As the program is developed and implemented, it is vital the City revisit this program and adjust funding accordingly. Additionally, effectiveness of this program can be measured through standing updates on the Housing and Homelessness Committee monthly meetings to assure transparency on the effectiveness of this program. We encourage data on this program to track intake calls, referrals to outside counsel, stopped sheriff lockouts, cases when a tenant was able to stay housed, cases when an unlawful detainer was prevented from moving forward and cases of reduction of amount owed. We recommend the data be presented during the housing and homelessness committee meetings.

We thank Councilmembers and City Staff for the constant communication and support in starting this program. We reiterate that in order to have a fully functioning and effective program, the funding must be increased to \$1 million that we hope can come from a variety of different funding sources. We also ask that the Eviction Prevention Program be agenda item sometime during the Mid-Budget meeting to discuss the possibility of an increase of funding. Thank you for your time and consideration.

Respectfully,

Sandra Plascencia-Rodriguez

Kern Policy Advocate

Leadership Counsel for Justice and Accountability

[splascencia@leadershipcounsel.org](mailto:splascencia@leadershipcounsel.org)