



**BAY AREA LEGAL AID**

WORKING TOGETHER FOR JUSTICE

## **Senior tenants score preliminary court victory to prevent landlord from raising rents or evicting them.**

Seventy-two elderly tenants living on fixed incomes were served with unlawful eviction notices, giving the seniors 30 days to move-out or find a way to pay a 400% rental increase.

One tenant, Ruth Aldrich, an 82 year old retired teacher, was one of the tenants that received an eviction notice and contacted Bay Area Legal Aid for help.

Ruth was a tenant of the senior housing unit for eight years prior to receiving the eviction notice. Her monthly rental payment was always the same, one-third of her social security income, or approximately \$300 per month. The landlord was now demanding \$1,192 a month.

According to Lisa Greif, "Bay Area Legal Aid brought this case because these tenants faced eviction from their home. Mr. Howard has created a tremendous amount of anxiety for these elderly people since he first served the tenants with the notice threatening to evict them. These elderly tenants live on very fixed, limited incomes and cannot afford to pay more than 30% of their incomes in rent."

She went on to say, "the goal of the litigation is to maintain the Section 8 subsidy in order to preserve the affordable housing for an extremely vulnerable population. Preserving the section 8 subsidy for this building will maximize the revenue stream to assure that the property will continue to be decent, safe and affordable housing for low income seniors for the foreseeable future."

Following oral arguments, a federal court judge issued a ruling from the bench that Mr. Howard had failed to provide the required one year notice informing tenants of his decision to opt-out of the Section 8 subsidy program. The law requires that until the proper notice is given and one year has run an owner is prohibited from raising tenants' rents or evicting them.

The U.S. District Court (Oakland) issued the injunction enjoining the eviction. When the defendant appealed to the 9<sup>th</sup> Circuit, the Court affirmed the District Court's decision. As a result, our clients have a place to live.

*Park Village Apartment Tenants Asscn. v. Mortimer Howard Trust*