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WaMu bullies grandmother, defies Oakland law: bank plays whack-a-mole with rent-paying family in foreclosed home

OAKLAND, CALIFORNIA MARCH 27, 2008 In what is becoming an increasingly familiar experience in this era of home mortgage foreclosures, rent-paying grandmother Tony Pitre-Hall (PEET-ree Hall) walked out of her home one day to find what at first seemed to her a huge decoration taped to the door of her rental home. But rather than a festive decoration for all her neighbors to see, Pitre-Hall found what she describes as an embarrassing banner...a “notice to quit” from Washington Mutual (WaMu). The bank had foreclosed on the owner of the house and was threatening Pitre-Hall and her grandchildren with eviction, even though her rent was paid current.

Pitre-Hall works nights, sleeps mornings and watches four of her seven grandchildren some afternoons while her daughter attends San Francisco State University. Not only was her rent paid, but she had also given her landlord \$3,000 toward a down payment to buy the house one day. But, according to the WaMu lawyers that came to her door, she had a new landlord. Pitre-Hall says that in October 2007 she reported to WaMu that a 30-foot tree in her front yard had fallen, depriving her grandchildren of their only outside play area as the home has no back yard. A few days after Thanksgiving, the hot water heater malfunctioned and flooded her home – damaging valuables and keepsakes including Pitre-Hall’s high school hope chest. After three calls to WaMu, she says they sent a technician who concluded that the old hot water heater was beyond repair and must be replaced. To this day – four months later – Pitre-Hall and her grandchildren still have no hot water. WaMu has yet to remove the fallen tree. Instead, this new bank landlord has now sent a third separate law firm to threaten eviction.

WaMu previously notified of Just Cause law

According to lawyers with East Bay Community Law Center, WaMu has been notified that evicting tenants without cause – including foreclosure – is illegal in Oakland. Yet Pitre-Hall has received three separate eviction notices from three separate law firms representing WaMu. “It is troubling that WaMu would purposely violate local law after being notified, when working people like Tony are doing all they can to keep their families safely housed and fed,” said Law Center lawyer Sharon Djemal (Ja-MALL). “When WaMu’s lawyers previously posted an eviction notice on Tony’s door – and on the doors of other Oakland tenants – we called and explained that in Oakland it is illegal to evict tenants without just cause if they continue to make good on their rent,” says Djemal. “This includes when a bank is foreclosing on the owner of a property.”

(MORE)

Citibank, Deutsche Bank, others play whack-a-mole with renters

“WaMu is not the only repeat offender among banks that have been notified again and again of the law,” said Djemal, who works in the housing practice group at the non-profit law firm. Other banks that have sent law firms to evict rent-paying tenants include Citibank, Deutsche Bank, LaSalle and Bank of New York. All these banks have posted intimidating “eviction” notices in violation of Oakland’s “Just Cause for Eviction” ordinance. In 2002, Oakland voters passed Ballot Measure EE that said foreclosure is not sufficient grounds for eviction and provided tenants with protection from unlawful evictions. Djemal says “The law clearly states that tenants cannot be evicted solely because of a foreclosure.” She adds, “There are similar ordinances in other jurisdictions, too. Yet WaMu and other banks continue to play a cruel game of whack-a-mole with rent-paying families.”

Renters don’t know the law protects them

What makes these bank practices particularly cruel is that most renters are not aware of the law. “What I would say to other rent-paying tenants is that if you come home and see a legal-looking foreclosure document posted on your door, then you must call a lawyer to get help,” says Pitre-Hall. Like other East Bay firms that provide free or sliding-scale legal services to income-qualified residents (e.g., Central Legal de la Raza, Bay Area Legal Aid, Eviction Defense Center), the Law Center reports that it has seen a significant increase in attempted evictions since foreclosure has become more common. “Events have been held, flyers are being distributed and still renters don’t know that they have a right to stay in their home if they are paying their rent when a lender forecloses on a property,” says Djemal. Renters like Pitre-Hall should not agree to move nor should they sign anything until after they have spoken with a legal organization that can help them determine their rights.

Grandmother wants justice

Despite three eviction attempts from WaMu’s various law firms, a felled tree and no hot water, Ms. Pitre-Hall has continued to make good on her rent by holding it aside, as required by law, and has proposed that WaMu compensate for her the \$3,000 down payment and her trouble. At a time of bank bailouts and golden parachutes for mortgage executives, she wants a little justice so her grandchildren can play safely at her home while their mother – her daughter – finishes college. “I find this type of knowledgeable neglect abusive and reprehensible,” says Pitre-Hall, “I am a rent-paying tenant caught up in a situation not of my own making.”

ABOUT THE LAW CENTER *The East Bay Community Law Center was founded in 1988 by students at Berkeley Law School (Boalt Hall). Today, the Law Center is the East Bay’s largest provider of free legal services and a nationally-recognized teaching clinic. With its motto “Justice through education and advocacy,” each year more than 5,000 community members receive free legal advocacy from more than 100 students under the supervision of a dozen full-time EBCLC staff attorneys. Law students come from Boalt Hall and from law schools around the country to train at the Law Center and provide assistance to clients in the areas of housing, health care, immigration, income, community reentry, and economic justice.*

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To arrange interviews with the *renter: Ms. Tony Pitre-Hall*; or with: *Law Center attorney Sharon Djemal* or for copies of notices of “*tenant foreclosure eviction*” posted by agents of: *WaMu, Citibank, Deutsche Bank, LaSalle Bank* and *Bank of New York*
contact: Jeffrey Thomas at jthomas@ebclc.org, ring the Law Center at (510) 540-4848 x319 or mobile phone (650) 888-0587