

Foreclosure crisis hurting legion of renters, too

By Nisa Islam Muhammad
Special to Sentinel-Voice

WASHINGTON (NNPA) — When Stephanie Marshall got the registered letter in the mail she had a feeling it was bad news. When she read that the place where she was living was going into foreclosure, her eyes filled with tears and her heart started pounding. "I couldn't believe it. I pay my rent every month. I was concerned when the letter came because I had been late several months but hadn't heard anything from the owner," she told *The Final Call*.

She tried reaching the owner. No luck. She then called the bank and was told the bank couldn't discuss how much was owed or when the foreclosure would take place.

"I panicked. I didn't know

what was going on. Was I going to be evicted? What happened to the money I had paid? What was I going to do? I was mad, I was sad. I was confused and didn't know where to turn for help. It was a bad situation."

Foreclosures are raising the ranks of the homeless across the country, according to a new report, "Without Just Cause" by the National Low Income Housing Coalition and the National Law Center on Homelessness & Poverty. Renters of foreclosed properties are now among those most at risk of homelessness, but their plight has received little attention. About 40 percent of families facing eviction due to foreclosure are renters whose landlords defaulted on mortgages, while renters have few rights or protec-

tions.

When foreclosure hits, tenants who have consistently paid their rent on time may face eviction without notice, coming home to find locks changed and their belongings outside.

"I read about people coming home to find their things on the streets. I didn't want that to happen to me. I had to do something. I couldn't find the landlord, so I just decided to move," said Marshall. "This situation stressed me out, but I was in a position to move quickly to avoid any more problems. I feel sorry for families that don't have the resources to act as quickly as I did."

Sheriff Tom Dart of Cook County, IL, has refused to evict renters in these cases.

He suspended all mortgage foreclosure evictions in

October, leading to new safeguards added to the eviction process, protecting both tenants of a building and taxpayers.

The first time too many renters learn their building is in foreclosure is when the deputies arrive to evict them. Sheriff Dart's new protections require banks to provide sworn notice that all tenants have been notified before asking the sheriff to conduct a foreclosure eviction.

He admits he is at risk of violating court orders to evict and could be found in contempt. But the sheriff says he also is responsible for making sure justice is being done. "We will no longer be a party to something that's so unjust," he told reporters.

The status of renters in foreclosure cases is a matter of state law that varies from state to state and the District of Columbia. It is a complex situation with renters having few protections: even if they have rights, many renters are often unaware of them, and few have easy access to lawyers, who may also be unaware of tenants' rights.

The report found only 17 states require any type of

notice to tenants about foreclosure; only 14 states and the District of Columbia require a judicial process for renters and foreclosures; in Florida, Iowa, Wisconsin, New York and Ohio tenants can remain in properties if they are not named in foreclosure proceedings.

Only two percent of jurisdictions, New Jersey and the District of Columbia, explicitly preserve tenants' lease rights after foreclosure.

"This lack of protection for law abiding renters can result in families losing their homes, children changing schools, and communities being destabilized unnecessarily," said Danilo Pelletiere, National Low Income Housing Coalition research director. "Renter protections are important to stopping the cycle of decline."

In response, the coalition has called on Congress and the Obama administration to provide:

—\$10 billion for the National Housing Trust Fund over 2009-2010 to rehabilitate or build 100,000 rental homes for the lowest income households using green stan-

dards.

—\$2 billion in Emergency Shelter Grants, for homelessness prevention and housing assistance.

—400,000 new housing vouchers in 2009-2010.

—Legal protections for tenants in properties subject to foreclosure, including the requirement that existing leases and contracts be honored by new owners and in the absence of a lease, and providing renters with at least 90 days notice before eviction.

"Roughly 40 percent of the families facing eviction are renters and in some cases they receive as little as one week between foreclosure and eviction. These families have limited time and limited resources to find new housing, and without action, an increase in homelessness is imminent," warned Sheila Crowley, president of the National Low Income Housing Coalition.

She said, "Congress and the administration must take the needs of those suffering the most in this recession into consideration."

Nisa Islam Muhammad writes for the *Final Call*.

Judges

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their full potential. We must use our vast knowledge about what works to dismantle the cradle to prison pipeline which hurts so many of our children," said Angela Glover Blackwell, founder and CEO of PolicyLink. "Instead of prison, our children deserve good schools, healthy and safe communities, and opportunities to thrive. We have a blueprint for action. We must act to save our children."

Equal time for unequal crime

A survey of youth cases demonstrates that U.S. trial courts impose identical and harsh sentences on juvenile murder accomplices, regardless of the circumstances of the homicide or their degree of participation in it.

In a new study, a University of Arkansas law professor argues that this occurs because the U.S. Supreme Court and the Eighth Amendment — the section of the U.S. Constitution that addresses "cruel and unusual punishment" — do not provide direction to lower courts on sentencing juvenile accomplices in murder cases.

"Courts still impose identical sentences on juvenile offenders who have drastically different roles in the crimes for which they were convicted," said Brian Gallini, an assistant professor of law.

"This is because current Eighth Amendment standards, as interpreted by the Supreme Court, do not provide sentencing courts with the analytical tools necessary to account for stark differences in fact scenarios. In other words, the court's Eighth Amendment jurisprudence does not resolve a juvenile nonkiller's constitutional challenge to a life-without-parole sentence."

For example, according to Gallini, one juvenile defendant participated in the killing of a shop employee by helping the shooter enter the shop under false pretenses, robbing the shop after the shooter killed the victim and manipulating the crime scene so that it appeared that someone had forcibly entered the shop.

In a different case, a 14-year-old defendant, who had a history of physical and sexual abuse, was forced by her boyfriend to lure a man into their house to rob him. After doing

so, the defendant left the room in which the boyfriend stabbed the man to death. In both cases, the defendants received sentences of life without parole.

"The potential prevalence of this phenomenon cannot be underestimated," Gallini said. "This can happen with any number of juvenile defendants waived into adult court. These are not exceptions."

Judges paid, juveniles jailed

The severe sentencing and detention handed down to the youth in Luzerne County, Penn., was once thought to be exceptions until it happened over and over.

On Feb. 27, the Juvenile Law Center in Philadelphia, filed a class action lawsuit in U.S. Federal Court charging former Luzerne County judges Mark Ciavarella and Michael Conahan conspired with others in a brazenly corrupt scheme to accept kickbacks in exchange for sentencing juveniles to for-profit juvenile detention centers between 2003-2008.

As the complaint states, "In choosing to treat children as commodities that could be traded for cash, the defendants have placed an indelible stain on the Luzerne County juvenile justice system."

The alleged crimes are often minor

"Children were caught in a wave of unprecedented lawlessness that often, within moments, tore them away from their families, their schools, their friends and ultimately, their lives — immediately handcuffed, shackled and incarcerated for infractions as minor as shoplifting a \$4 jar of nutmeg or taking change from an unlocked car to buy a bag of chips," said Robert Schwartz, executive director at Juvenile Law Center.

Maurice Muhammad, a judge in Birmingham was shocked when he heard about the judges' behavior.

He said, "It's a classic case of abuse of power that goes unchecked. We need a better system of checks and balances. Were it not for some vigilant parents and attorneys, we wouldn't have found out. Things have to change."

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I-15 South Design-Build and ARRA Workshop

The Nevada Department of Transportation in cooperation with the Regional Transportation Commission of Southern Nevada and the Nevada Commission on Economic Development will conduct a Contractor/Subcontractor Meeting and Networking Event

April 8, 2009

Wednesday, 9 a.m. to Noon
Cashman Equipment Co.
3300 St. Rose Parkway
Henderson, NV

The following topics will be discussed at the I-15 South Design-Build/American Recovery and Reinvestment Act (ARRA) economic stimulus package contractor and subcontractor business networking event:

- NDOT and local public agencies from southern Nevada will provide an overview of upcoming transportation construction projects.
- NDOT will address outreach efforts to encourage contractors to partner with local Disadvantaged Business Enterprise firms and vendors that are interested in bidding for the work on these projects.
- A representative of one of the Design-Build Teams will provide their perspective of the project and the subcontracting and supply opportunities that may be available.
- NDOT and local public agencies from southern Nevada will discuss the other major projects in southern Nevada. Representatives will answer questions from the participants about how to approach NDOT, local public agencies and their traditional prime contractors about securing work on these contracts.

The meeting will then break up into a session where subcontractors and suppliers will be able to sit with the prime contractors and discuss their business and the services they offer.

This meeting will officially start at 9 a.m. A tour of the Cashman facility will be available at 8 a.m. for those wishing to take part.

If you have questions regarding this workshop please contact Rudy Malfabon, NDOT Deputy Director for Southern Nevada, at (702) 671-8855.

Parking for this event will be limited; please carpool if possible.

Please RSVP by April 6, 2009, to Natasha Zonitch at (702) 671-8855.

Requests for auxiliary aids or services to assist individuals with disabilities should be made with as much advance notice as possible to Julie Maxey, NDOT Public Hearings Officer, at (775) 888-7171.