Annual Report
March 2019-March 2021
Welcoming change, embracing growth, and learning to adapt.
HERA
housing and economic rights advocates
HERA is a California statewide, not-for-profit legal service and advocacy organization dedicated to helping Californians — particularly those most vulnerable — build a safe, sound financial future, free of discrimination and economic abuses, in all aspects of household financial concerns.
We offer this snapshot of our work for the period of March of 2019 to March of 2021 to begin to paint a picture of our efforts from the year before the pandemic, through year one of the pandemic. The pandemic itself caused loss of income for many, though not all, and an array of housing challenges different from what some predicted. We appreciate the policy efforts nationally and in our state to help stabilize vulnerable households and soften the pandemic’s impact—both financially and with regard to housing retention.

HERA staff worked hard to keep up with the expanded demand on services, and the shifting ground of those demands. With our unique focus as a California statewide non-profit law office dedicated to economic justice for low and moderate income households in the vast debt and credit sphere, HERA was positioned to assist residents with the wide range of challenges they faced financially as a result of the pandemic, including their housing challenges. Remember— we help homeowners, tenants and residents who are homeless. Debt and credit, and housing challenges affect vulnerable residents across types of housing tenure and circumstance. We are grateful for support that has allowed us to expand our positive impact in California.

Maeve Elise Brown
Executive Director
Our Services

ECONOMIC JUSTICE, ASSET BUILDING & PRESERVATION
HELPING CALIFORNIANS BUILD A SAFE FINANCIAL FUTURE

HERA is a California statewide, not-for-profit legal services organization based in Oakland, California. Dedicated to achieving economic justice for all Californians, HERA provides:

- direct legal services to individuals (advice, advocacy, litigation)
- technical assistance and training to nonprofit and private attorneys, government agencies, and other professionals to expand the pool of resources available to serve consumers
- policy work to translate consumers’ experiences and concerns into effective laws, guidance, and procedures
- workshops to train and educate the public on their rights and options
- creative, strong collaborations and partnerships to better serve those in need
New in 2019 & 2020

Exclusively Remote Service
As we shifted to offer exclusively remote service in 2020, all intake procedures and counseling were subsequently conducted through phone calls. Clients were encouraged to reach out to us through our website, email, or intake line, and our administrative staff screened clients before scheduling a phone appointment with one of our attorneys.

Virtual Workshops and Trainings
78 Workshops conducted in person in 2019
38 Workshops conducted through Zoom in 2020
Topics include:
- Financial Wellness Basics
- Debt and Credit Basics
- Debt and Credit for Caregivers
- Credit and Debt Collection
- General Debt Collection
- Dealing with Debt
- Debt Collection Defense
- Pro Se Debt Collection
- Managing Student Loan Debt
- Choosing and Paying for College
- Credit Basics
- Identity Theft and Credit Repair
- Basic Banking
- Basic Budgets and Planning
- Tenants and Roommates Rights
- Fair Housing
- Homeowners' Association
- Home Repair Basics
- Homeowner Anti-Displacement
- Homeowner Help
- Homeowner Help During COVID-19
- Home Improvement Targeting
- Estate Planning for Caregivers
- Estate Planning 101

Thank you to our hosts for helping promote financial wellness within our community!
Learn Tab

The “Learn” tab was added to our website for easy public access to the latest information and resources surrounding a wide range of topics-- from debt and credit to COVID-19 economic relief. We compiled this list for our clients to better understand their legal rights and take control of their financial wellness.

CARES Program
In partnership with the City of Oakland, we distributed $200,000 to Oakland homeowners who were at risk of losing their homes due to the COVID-19 pandemic. This limited-time program was specifically meant to aid Oakland residents who were experiencing extenuating circumstances due to COVID-19. These circumstances included loss of income or work, increased medical obligations, and increased child care costs due to the pandemic. Through this program, we helped households protect their homes from foreclosure by providing funds to pay past-due mortgage payments, homeowner’s association fees, and homeowner’s insurance payments.
New in 2019 & 2020

New Services
HERA expanded our areas of service to include dedicated attorney service for renters impacted by credit card debt, petitioners and respondents in guardianship cases, and individuals struggling with student loan debt. HERA also expanded our ability to advise tenants and homeowners by hiring more attorneys to work on those issue areas, as mentioned in our staff growth below.

Staff Growth
In addition to our existing staff, the following attorneys and assistants joined us in 2019 and 2020 to support our work:

Claire Torchiana, Equal Justice Works Attorney Fellow
Daniel Alper, Staff Attorney
Jamie Campbell, Administrative Assistant
Vanessa Zermeno, Administrative Assistant
Nisha Ajmani, Staff Attorney
Tori Shepherd, Staff Attorney
Zoe Kemmerling, Staff Attorney
Fanilla Cheng, Staff Attorney
Our Clients

2019
- American Indian or Alaskan Native 0.62%
- American Indian or Alaskan Native + Black/AA 0.23%
- American Indian or Alaskan Native + White 0.47%
- Asian 12.51%
- Asian + White 0.47%
- Black/African American 20.51%
- Black/African American + White 0.93%
- Native or Pacific Islander 0.7%
- White/Caucasian 25.1%
- Other 12.82%
- Other Multiple Race 24.00%
- Decline to respond 1.63%

2020
- American Indian or Alaskan Native 0.23%
- American Indian or Alaskan Native + Black/AA 0.12%
- American Indian or Alaskan Native + White 0.23%
- Asian 23.37%
- Asian + White 0.4%
- Black/African American 23.02%
- Black/African American + White 0.98%
- Native or Pacific Islander 0.35%
- White/Caucasian 32.56%
- Other 6.02%
- Other Multiple Race 12.15%
- Decline to respond 0.58%

- Hispanic 26.7%
- Non-hispanic 72.22%
- Declined to respond 1.08%

- Hispanic 19.58%
- Non-hispanic 80.14%
- Declined to respond 0.28%
Our Clients

2019

- Female 64.02%
- Male 35.14%
- Gender Queer 0.07%
- Non-binary 0.07%
- Non-conforming 0.07%
- Transgender 0.07%
- Two Spirit 0.07%
- Declined to respond 0.49%

2020

- Female 61.28%
- Male 38.49%
- Gender Queer 0.06%
- Declined to respond 0.17%

Age Distribution

- under 18 0.4%
- 18-29 4.64%
- 30-61 59.58%
- 62+ 35.38%

- under 18 0.45%
- 18-29 5.88%
- 30-61 57.18%
- 62+ 36.5%
Our Clients

2019

- Extremely Low 30.29%
- Very Low 28.36%
- Low 19.59%
- Moderate 13.1%
- Above Moderate 8.66%

2020

- Extremely Low 37.95%
- Very Low 20.13%
- Low 19.47%
- Moderate 14.85%
- Above Moderate 7.59%

Top 10 Counties Served

2019
- Alameda
- San Francisco
- San Joaquin
- Contra Costa
- San Mateo
- Los Angeles
- Santa Clara
- Solano
- Kern
- Fresno

2020
- Alameda
- San Francisco
- Contra Costa
- San Joaquin
- Los Angeles
- San Mateo
- Santa Clara
- Solano
- Stanislaus
- Fresno
Top 10 Issue Areas

2019
- Homeownership
- Estate Planning
- Student Loans
- Homeowners' Association
- Credit Card Debt
- Energy
- Credit
- Tenant
- Debt
- Anti-Displacement

2020
- Homeownership
- Estate Planning
- Tenant
- Homeowners' Association
- Anti-Displacement
- Student Loans
- CARES
- Credit
- Energy
- Fair Housing Advocacy
Client Stories

HOA
A client was referred to us by a local housing counseling agency. She was going to face a foreclosure by her homeowners’ association (“HOA”) in 6 days. This client had fallen behind on her monthly HOA assessments because she lost her job during the COVID-19 pandemic. She recently found new employment, but was not yet able to pay the full balance owed to the HOA. We worked with the housing counseling agency to get the foreclosure postponed. Both we and the client then met with the HOA’s Board of Directors, which agreed to waive some collection costs and stop the foreclosure if we could come up with a lump sum payment. We helped the client apply for Alameda County Housing Secure funds to pay off the HOA. Once we eliminated the client’s HOA debt, we connected her with a local non-profit that provides home repairs for low-income residents. Our client is currently repairing a second room in her unit, so that she can rent it out for extra income. In doing so, her housing situation will be stabilized and sustainable.

ENERGY
M.A. is a Spanish-speaking homeowner with limited English language ability, who lives in Sanger, California. In 2016, he was contacted by phone by a solar panel salesperson, who told him in Spanish that he could lower his electricity bill by installing and leasing solar panels on his roof and that it would only cost him $77 per month. M.A. agreed and the solar panels were installed. He was shocked when he received his first monthly bill from SunPower for $246. Because this was much higher than the price he agreed on, he refused to pay the bill, and SunPower shut down his solar panel system. M.A. asked SunPower to take back the panels, but it refused. Instead, it sued him in Fresno County Superior Court in July 2020 for nearly $65,000, the alleged value of the solar panels, plus interest. Attached to SunPower’s complaint was a solar lease agreement in English that M.A. never saw before, containing his alleged electronic signature. SunPower produced a document purporting to show that this signature was obtained via his personal email. However, he did not even have an email account or use email at that time; thus, his electronic signature was forged. HERA helped M.A. obtain information to show that the signature was forged, and negotiated a settlement with SunPower, requiring it to remove the solar panels and dismiss its case.

STUDENT
T.S. is a retired, partially disabled, African-American veteran. Circa 1990, T.S.’s employer told him he had to attend a 6-week course at a truck driving school if he wanted to keep his job. He ended up having to take out around $3,000 in federal student loans, and did not learn anything from the course. T.S. is now 68 and his loans have ballooned to almost $7,000. He was unable to keep up with the payments and defaulted in 2008. T.S. has had over $7,600 garnished from his tax returns since then; it has all gone towards fees and interest, with none applied to the principal balance. A retiree living primarily on SSI, T.S. qualified for a $0 income driven repayment plan, which his servicer never told him about. We helped him get on a $0 income-driven plan and submit a borrower defense application.
Client Stories

TENANT
A.S. is a 72 year old, low-income and disabled African-American woman who lives alone. She was subjected to an illegal lock-out when the landlord turned off her water illegally, without the client's permission or notice, requiring our client to leave her apartment during the pandemic and temporarily relocate. The property owner claimed that there was a water leak that precipitated the need for the shut-off and attempted to blame the tenant for the leak and to require her to pay for its repair. HERA advised the tenant about her legal rights and strategies, including the fair housing complaint process. We reviewed communications from the landlord, and our client chose to start with advocacy by HERA to address the landlord's wrong-doing. HERA wrote a demand letter to the landlord regarding the illegality of the water shut-off, and his obligation under the law to make repairs and pay for them. The property owner backed down from his demands on our client to pay for the water bill and water leak, and he made the needed repairs. We explored the fair housing violations further. and we alerted the local city attorney's office to the landlord's wrong-doing, since that particular City Attorney has an interest in pursuing wrongful landlord conduct. We have asked our client to stay in touch with us in case any new unlawful behavior arises. Certainly, she was/is entitled to monetary damages for the lockout, but chose not to pursue those damages.

CREDIT
A client called our office for credit repair advice. She wanted to improve her credit in order to buy a house in the next few years. After pulling her credit report, we discovered that many of the items on her report could be removed or improved. We helped the client to write letters to the credit reporting agencies to remove negative items that were more than 7 years old. We also helped her to dispute approximately $5,000 in medical debt, since she should have received Charity Care assistance from her local hospital. For the remaining debts on her credit report, we helped our client negotiate settlements so that the creditors would remove negative line items from the report. Once our client has saved up enough for a down payment, she should be in a much better position to purchase a home.

ESTATE PLANNING
I.S. was an elderly, African-American woman who had been single her whole life with no children. We came to her house several times, and she explained that she wanted her sister and niece to take care of her in the event of incapacity. She wanted her sister to handle any trust administration down the road, and for her home/assets to go to specific individuals. When this client started to lose capacity about a year and a half ago, her nephew attempted to move into her home and not only take control of her house, but tried to have I.S. placed in a senior home. Because she had proper documents in place, I.S.’s sister was able to remove the nephew. Since this time, I.S. has passed away, and her house will be going to the people she chose to receive it. Everything is so streamlined that the family themselves can handle the trust administration without even hiring or spending money on an attorney.
HERA's policy work from March of 2019 to March of 2021 consisted primarily of advocacy at the Federal, and State level, with some advocacy on the local level as well. Some advocacy we carried out on our own via submission of comments, providing testimony at legislative hearings, and discussions with staff of elected officials regarding local housing needs in particular. Much of our California advocacy was focused on coalition work, participating in a statewide economic justice group, while also providing comments on legislation at the state level to address predatory financial products and rate caps. For example, we supported SB1157 to require landlords of multi-family, subsidized housing units to offer rent reporting to their tenants, and SB1447, which focused on protecting the family home. We offered our support via group sign-on letters as to a wide variety of consumer protection proposals at the federal level as well, for example, The Veterans and Consumers Fair Lending Act.

HERA also participates actively in a statewide group focused on Property Assessed Clean Energy program abuses, bringing our strong expertise on the topic from our on the ground services to victims of fraudulent practices by entities carrying out the program. On the student loan debt front, HERA participates with a statewide coalition, but we also work actively with partners at the national level to strategically address problems with Department of Education policies, and lack of enforcement of protections for students. We consider our class action litigation to be part of our policy work as well, in that, some of the cases we choose with the intention of changing bad practices. We had a strong litigation year in that regard as well. We are pleased to be able to help bring the voices of our thousands of clients to the table, translating what we learn from our direct services and our work into policy advocacy.
Litigation Highlights

Student Loans

Sweet v. Cardona: HERA and the Project on Predatory Student Lending (PPSL) represent student loan borrowers against the U.S. Department of Education for stopping its processing of their borrower defense to repayment discharge applications. Under Secretary Betsy DeVos, the Department of Education halted all processing of borrower defense claims, refused to adjudicate any borrower defense from any student for well over a year, and ordered the office of Federal Student Aid to stop processing borrower defense applications.

Calvillo-Manriquez v. DeVos: HERA and PPSL represent a class of tens of thousands of former students of Corinthian College, a predatory for-profit college chain, against the Department of Education. All class members in this case are entitled to debt relief based on the Department of Education’s Corinthian Job Placement Rate Rule, created in 2016 after the Department acknowledged Corinthian’s widespread wrongdoing. In 2017, the Department of Education unfairly and illegally denied this relief to former Corinthian students. In October 2019, Education Secretary Betsy DeVos was held in civil contempt and sanctioned for her illegal collection of student loan debts — a direct violation of the 2018 injunction that ordered the Department to stop collecting on the loans of tens of thousands of Corinthian students.

Unfair Debt Collection

Sonya Norton v. LVNV Funding, LLC: This certified class action challenges the conduct of debt buyer LVNV Funding, LLC in pursuing judgment collections without complying with California Code of Civil Procedure Section 673, which imposes specific requirements for assignment of judgments. Defendants continued to pursue over $600,000 in unlawful collections against consumers, despite being barred from enforcing the judgments. Plaintiff Sonya Norton seeks to recover restitution/damages, interest, civil penalties, injunctive relief, attorney’s fees, and costs on behalf of the class of affected individuals.

Teresa Doskocz v. ALS Lien Services et. al.: In this certified unfair debt collection class action, Plaintiff Teresa Doskocz challenges the conduct of ALS, a debt collection agency that contracts with approximately 150 homeowners’ associations (HOAs) in California to collect assessments and other amounts from homeowners. Since at least 2011, ALS has engaged in five uniform unlawful practices that violate the Davis-Stirling Act.

Toland v. Nationstar Mortgage LLC: In this putative class action, Plaintiffs Georgia Toland and Taquelia Washington challenge Nationstar’s attempts to collect an unsecured deficiency balance it claims the Plaintiffs still owe on their second mortgage after a foreclosure sale extinguished both mortgage liens against the property. After the Plaintiffs’ property had been sold and the sale proceeds paid, Nationstar sent form collections letters seeking to collect deficiencies on the second mortgage directly from the Plaintiffs. The Plaintiffs contend that the Defendants’ collection letters violate California’s fair debt collection statute by misleading purchase money borrowers to believe that they have personal liability to pay remaining balances after short sales and foreclosures, and threatening to file lawsuits against them to recover deficiencies if they do not settle within a short period of time.
KBR dba Rash Curtis & Assoc. v. Farris: HERA assisted pro per defendant Tara Farris with medical debt collection defense in a case brought by a medical debt collector in Stanislaus County, including helping her file an answer, apply for charity care from the hospital, and prepare for trial. The debt collector dismissed the case after receiving a demand letter showing that the treating hospital still claimed the debt in its denial of client’s charity care application.

CB Merchant Services v. Oliveira: HERA assisted Manteca debt collection defendant Sandra Oliveira set aside a 2010 judgment against her for a “bounced check” deposit to an auto dealer that was purchased by a debt buyer. Ms. Oliveira was never served with the complaint or judgment. After the court vacated the judgment, the debt buyer dismissed the lawsuit.

LVNV v. Perez: HERA assisted Lodi resident Michele Perez with a claim of exemption and negotiations with a judgment creditor to stop a levy on her bank account, which contained Social Security income protected from collection. Ms. Perez was never served with the complaint or judgment in the case and did not find out about it until the funds were taken from her account as a result of the bank levy. The judgment creditor refunded the levied funds, voluntarily set aside the judgment and dismissed the case.

Madriz v. GreenSky: HERA and co-counsel Kemnitzer, Barron & Krieg LLP represented Madera homeowner Arturo Madriz, a monolingual Spanish speaking truck driver with an elementary school education who was duped by a door-to-door salesman into agreeing to the installation of exorbitantly priced solar panels on his home that were financed, without his knowledge or consent, by a credit line that he never agreed to. Although the negotiations were conducted in Spanish, Mr. Madriz did not receive any contract in Spanish. The solar panels were never connected to the electric grid and did not function. Nonetheless, defendants barraged him with collections calls for a credit account he did not know existed.

Reichlin v. Ygrene Energy Fund Inc.: HERA and its co-counsel Golden & Cardona-Loya LLP represent Betty Jo Reichlin, a 79 year-old disabled woman on a low fixed income who has lived in her Oakland home since she was two years old. Ms. Reichlin contracted for landscaping of her yard, but did not realize that she was being signed up to pay for it with an expensive PACE loan. The contractor pressured her to add additional work that she didn’t need, including insulation, rain gutters, and exterior paint. The contractor would repeatedly present documents for her to sign that she couldn’t read due to her vision impairments. He told her that her property taxes would only go up $800 per year, but they ended going up over $8,000 due to the PACE loan. She had to drain her reverse mortgage line of credit to pay for the increased property taxes, and now, she is faced with the prospect of not being able to pay them at all.
## Financial Statements

### Statements of Financial Position

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<th>2020</th>
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<td>Total Liabilities</td>
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<td>Total Net Assets</td>
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### Statements of Activities

#### Support and Revenue

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<td>Foundation and Community Grants</td>
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<td>Government Grants</td>
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<td>Cy Pres Awards</td>
<td>$71,651</td>
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<td>Contributions</td>
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<td>Contract Services</td>
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<td>Attorney Fees</td>
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<td>Interest Income</td>
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<td>Other Income</td>
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<td><strong>Total Support and Revenues</strong></td>
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#### Expenses

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<td>General and Administrative</td>
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<td>Fundraising</td>
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<td><strong>Total Expenses</strong></td>
<td>$1,017,529</td>
<td>$1,277,627</td>
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Thank you to our sponsors!

The State Bar of California
The San Francisco Mayor's Office of Housing
The City of Oakland
Alameda County
City of Hayward
US Department of Housing and Urban Development
The Evelyn and Walter Haas Foundation
The State of California Department of Business Oversight
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First Five of Alameda County
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Sears Foundation
Rose Foundation
US Bank
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The Y & H Soda Foundation
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