

Helping Homeowners Facing Fair Lending Problems in Home Repairs and Improvements: Overview of Rights and Options

San Francisco, Live Webcast and www.pli.edu,*
February 11, 2020, 9:00 am – 4:40 pm

Why You Should Attend

Nationally, homeowners remain vulnerable to unfair and predatory financing abuses. Some need to refinance an existing loan to improve their loan terms and make it more affordable. Many need to make home repairs or decide to make energy efficient improvements, such as installing solar panels to reduce their energy bills and seek financing for that purpose. People of color, women, immigrants, people with disabilities and other vulnerable residents who are homeowners, especially if they are seniors, find themselves targeted for abusive door-to-door sales marketing scams (including home energy scams), abusive and dangerous financing that is likely to lead to foreclosure on the family home, and shoddy work by contractors followed by unwarranted collections efforts. This session will provide an introduction to the legal rights and options of homeowners who have been targeted for such abuses and a guide to addressing and remedying abuses using state and federal consumer and fair housing laws.

What You Will Learn

- Warning signs of fair lending problems when seeking financing
- Key legal claims that homeowners can pursue to remedy home improvement contractor and financing abuses
- Litigation and non-litigation approaches to resolving disputes, including pursuing administrative remedies with state and federal agencies like the California Department of Business Oversight and the U.S. Department of Housing and Urban Development
- Updates on recent legislative and regulatory developments and activity

Who Should Attend

Practitioners who represent homeowners as to financing, or other consumer law issues or are considering doing so. Fair housing practitioners who want to learn to apply other consumer rights claims as well to work with vulnerable homeowners.

AGENDA

Morning Session:

9:00

Opening Remarks

Joseph Jaramillo

9:10

Home Improvement Targeting as a Fair Housing Issue

- Types of predatory practices contractors and financiers engage in
- Who is often targeted, and how fair housing/lending laws apply

Joseph Jaramillo

10:10 Networking Break

10:20

Legal Issues Implicated by Predatory Home Improvement Financing

- Claims against contractors and unsecured financiers
- Claims involving PACE programs
- Potential causes of action (including Home Sales Solicitation Act, fraud, contract claims, cancellation of taxes, elder abuse, Consumer Legal Remedies Act, Uniform Electronic Transactions Act, , identity theft claims, B&P 17200, and other claims)
- Court litigation vs. arbitration

Stephanie Carroll, Kristin Kemnitzer, Jenna Miara, Alysson Snow, David Valdez Jr.

12:20 Lunch

Afternoon Session:

1:20

Litigation: Review of Major Pending Cases and Issues

- Administrative Exhaustion in PACE cases
- Injunctive Relief
- *Unser v. WRCOG* (San Diego County Superior Court)
- *Ocana v. Renew Financial* (Los Angeles County Superior Court)
- *Edwards v. Renovate America* (Los Angeles County Superior Court)

Stephanie Carroll, Jenna Miara, Alysson Snow

2:20 Networking Break

2:30

Non-Litigation Approaches to Resolving Disputes

- Pre-litigation negotiations
- Administrative complaints and oversight (DBO, CSLB, Los Angeles County DCBA, California Attorney General)
- Contractor bond claims
- Options and strategies for working with mortgage servicers

Nisha Kashyap, Jenna Miara, Kathleen Murray, Lisa Sitkin, Paul Yee

3:30 Networking Break

3:40

Recent Legislation, Regulatory Activity and Advocacy

- PACE legislation in California (AB 1284, SB 242, SB 1087, AB 2063)
- DBO rulemaking
- CFPB rulemaking
- Further policy advocacy

Stephanie Carroll, Jenna Miara, Lisa Sitkin

4:40 Adjourn

Faculty:

Chair:

Joseph Jaramillo

Senior Attorney
Housing and Economic Rights Advocates
Oakland, California

Stephanie Carroll (via Zoom videoconference)

Senior Staff Attorney - Consumer Law
Public Counsel
Los Angeles, California

Nisha Kashyap (via Zoom videoconference)

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Kristin Kemnitzer

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Senior Pro Bono Program Attorney: Christina Thompson