

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, TO CREATE THE RENTAL  
MEDIATION PROGRAM

WHEREAS, the City has an interest in ensuring residents have access to safe and habitable housing; and

WHEREAS, unlawful detainer actions are common in Fresno, and the problem has been exacerbated by COVID-19 related financial distress; and

WHEREAS, tenants may not understand their rights and defenses to an unlawful detainer action; and

WHEREAS, landlords may not understand their obligations to tenants; and

WHEREAS, some of the grounds for unlawful evictions include retaliation for reporting code enforcement violations, violations of the state and local eviction moratoriums related to COVID-19, and other unlawful motivations for eviction;

WHEREAS, the CITY wishes to implement the Rental Mediation Program (RMP) to provide resources and education to landlords and tenants;

WHEREAS, the CITY has developed the Questionnaire attached as Exhibit A in order to obtain additional information from tenants regarding the circumstances of their eviction; and

WHEREAS, the CITY has hired two law clerks to be responsible for reviewing information provided by tenants and landlords, and providing an opinion regarding the lawfulness of the eviction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The RMP will be a unit working within the City Attorney's Office staffed by law clerks and supervised by attorneys.

2. The City Attorney's Office will provide the Questionnaire on the website in English, Spanish, Hmong, and Punjabi.

3. Tenants will submit the Questionnaire to the City Attorney's Office.

4. The Code Enforcement Legal Department will assign the Questionnaire to a law clerk (Mediator). The Questionnaire will be reviewed by the Mediator with assistance from the Code Enforcement attorneys.

5. If, based upon the Questionnaire, the eviction appears to be unlawful, the Mediator will contact the tenant for additional information, including documentation. The Mediator will also contact the landlord to explain the mediation program, request any applicable documentation, and ask for the landlord's response to the tenant's claims. The Mediator may also use information gathered from previous code enforcement cases and other City departments.

6. Once the Mediator receives all documentation, the Mediator will analyze the case neutrally to determine if there appears to be an unlawful motivation for the eviction. The Mediator will draft an opinion to the landlord and tenant with findings.

7. If both the landlord and tenant agree, a meeting may be set with the landlord, tenant, and Mediator, to discuss the eviction in more detail. The goal would be for the landlord and tenant to come to an agreement to avoid a court proceeding.

Whether an agreement is reached, both parties will leave the meeting more educated about their rights and responsibilities.

8. The Mediator is a neutral party evaluating the merits of each party's case. This mediation program will not create an attorney client relationship with either the landlord or the tenant, and the Mediator will not be representing either party in a court proceeding.

9. This resolution shall be effective upon final approval.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

YVONNE SPENCE, MMC CRM  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Erica Camarena Date  
Chief Assistant

Attachment: Exhibit A - Tenant Questionnaire