

JOINT PRESS RELEASE FOR SETTLEMENT OF CALDERON SUIT

EXHIBIT 5 TO SETTLEMENT AGREEMENT

For Immediate Release. October 1, 2014

St. Helena, California.

The parties in a federal fair housing lawsuit, including members of four Latino families, Fair Housing Napa Valley (an agency that provides fair housing counseling and works with community members to ensure equal opportunities in housing), Latinos Unidos del Valle de Napa y Solano (an advocacy group for affordable housing in Napa County), and the City of St. Helena, announced today that settlements have been reached with all of the lawsuit's defendants, including both the City and the landlord who owned the low income housing units where the residents had previously lived. The settlement with the City was approved by the City Council and has now been signed by all parties. Certain additional approvals are required before the settlement is finalized, which the City will consider following an open, public process in the next 30-90 days. Attorneys for both the Plaintiffs and St. Helena City Manager Jennifer Phillips hailed the settlement as a win-win result. According to Ms. Phillips, St. Helena already has the highest percentage of regulated affordable housing units per capita in Napa County. Ms. Phillips stated, "the City looks forward to the creation of more quality, affordable housing for less advantaged families."

The settlement in Calderon vs Barbarino addresses the specific concerns of the four families who were displaced on short notice from their housing on Pope Street in November of 2011, after one of the families and Fair Housing Napa Valley reported the poor living conditions to the City. The City's Code Enforcement officials then conducted an inspection and discovered unsafe and unsanitary living conditions in the families' rental units. Under the settlements, the four families will receive compensation from their former Pope Street landlords, the Barbarino family, and from the City. "These families have lived and worked in St. Helena for years. Their children have grown up here. We are hopeful that this settlement leads to more dialogue within our community to find creative ways to ensure that there is enough affordable, accessible, and decent housing for these families and for all who contribute to the economic and cultural vibrancy of the Napa Valley." said Nicole Collier, Executive Director of Fair Housing of Napa Valley. Attorney Liza Cristol Deman, who represented the four displaced families and Fair Housing of Napa Valley in the lawsuit, agreed. She said, "all sides in this difficult case tried to do the right thing, both for these four families and to help address the need for more affordable housing in St. Helena."

The City had passed an ordinance before the Calderon lawsuit to require landlords to pay the relocation costs of tenants displaced due to safety and other Code violations. Under the settlement the City will soon consider strengthening that ordinance and amending another

ordinance that would give top priority on affordable housing waiting lists to low income residents who were displaced from their rental units because of unsafe or unlivable conditions. City Manager Phillips and Ms. Cristol Deman agreed: “We realized early in this litigation that the parties share a common value of ensuring safe, decent housing for St. Helena residents, and protecting vulnerable tenants from the impacts of sudden displacement from their homes due to unsafe conditions beyond their control.”

The settlement also includes a promise of periodic payments to St. Helena’s pre-existing Affordable Housing Trust Fund, with guarantees that the moneys earmarked from the settlement payments into that Trust Fund will be used exclusively for affordable housing units. Moreover, if fewer than 15 low-income units have been approved by the end of 2021, the City will be required to contribute the moneys toward the development of low-income housing development within the following 12 months.

City Manager Phillips said “St. Helena hopes the settlement will incentivize the actual construction of affordable units; if the City approves private market development of low-income housing units at a certain rate and by certain benchmark dates specified in the settlement agreement, the City will be excused from making some of the earmarked moneys payable into the Trust Fund.” She noted that City residents favor development of smaller, more personalized affordable projects and revitalization site opportunities in residential areas to better weave lower income housing into the fabric of the community.

The Agreement also makes clear that its provisions allow the City to approve the development of more affordable units. Ilene J. Jacobs, one of the Plaintiffs’ lead negotiators, said “this will encourage the growth of much needed affordable housing for workers in the hospitality, winery, and agriculture industries.”

City Manager Phillips said the Settlement Agreement requires the City to consider a number of proposed legislative changes to the St. Helena Municipal Code that make the City even more receptive to both non-profit and for-profit private developers of low income housing. These include provisions addressing a bonus for increased housing density and water priority for low income residential development.

If, after public review, the City Council approves the final amendments, a copy of the executed settlement agreement among the parties will be posted on both the City’s website and on the Fair Housing of Napa Valley website, www.napafairhousing.org. The plaintiffs were represented by Liza Cristol Deman and other attorneys at Brancart & Brancart, a firm that specializes in enforcement of fair housing laws, by David Grabill, and by Ilene J. Jacobs at California Rural Legal Assistance, Inc. The City was represented by City Attorney Thomas Brown and Ronald Frank at the firm of Burke, Williams and Sorensen, LLP.

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