

Attorneys for 97-year-old woman file lawsuit to prevent eviction

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Attorneys

Nanci E. Nishimura

Attorneys for a frail 97-year-old woman facing eviction filed a lawsuit Friday accusing her landlord of illegally forcing her from the rented cottage she's called home for most of her life.

Lawyers for the prominent firm of Cotchett, Pitre & McCarthy said they aim to go to trial within 90 days to keep Marie Hatch, who has lived in the Burlingame home for 66 years, from ever having to leave. Hatch's ordeal has brought renewed attention to the Bay Area's housing affordability crisis, particularly how it affects seniors on fixed incomes.

"This story is just one of hundreds, if not thousands, if not tens of thousands of elderly people and people of color and poor people being pushed out of communities that they've lived in for decades," said attorney Nancy Fineman, who is representing Hatch free of charge. "And it is not right."

The lawsuit accuses landlord David Kantz of breach of contract, elder abuse and intentional infliction of emotional distress.

Fineman claims previous owners of the house on California Drive promised that Hatch could stay there until her death. That verbal contract is enforceable, she said Friday at a news conference.

Michael Liberty, the attorney for Kantz, counters that "no such guarantee ever existed."

News of Hatch's eviction has led to an outpouring of support in the Bay Area and around the country. An online fundraiser had brought in nearly \$45,000 as of Friday afternoon.

And hundreds of other people have reached out to offer help with housing or finances, according to attorney Nanci Nishimura, who is also representing Hatch and her 85-year-old roommate, Georgia Rothrock.

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But Hatch, who has battled cancer in recent years and suffers from agoraphobia, which makes her afraid to go outside, should not be forced to go anywhere, Fineman said.

“Marie has a house, the house that was promised to her. And for anybody to break that promise against a 97-year-old woman is wrong,” she said. “And the community has stood up and said it’s wrong.”

The fear of being kicked out has taken a toll on Hatch’s health. Her attorneys say she was rushed to the hospital with heart palpitations after getting her 60-day notice Feb. 11. At home in her living room Wednesday, Hatch said she hasn’t been sleeping well.

“I don’t know which way is up,” she said. “My head feels like a bomb.”

She said the prospect of moving is so overwhelming that she would rather walk onto the nearby Caltrain tracks.

Hatch and Rothrock, who sublets a room in the home, subsist on Social Security income that, in Rothrock’s case, pencils out to roughly \$14,000 a year. Hatch’s rent was about \$960 a month, her lawyers said. The average rent for a one-bedroom apartment in San Mateo County was \$2,562 as of December, according to county housing data.

The Bay Area’s skyrocketing housing and rental prices have taken an especially heavily toll on seniors, said Cindy Cornell, founder of Burlingame Advocates for Renter Protections, which aims to place a rent stabilization and just cause evictions measure on the city’s November ballot. She formed the organization in 2014 after watching friends who had been pushed out of their homes succumb to stress-related illness... *(To read the entire article, please click [HERE](#))*