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San Mateo County court agrees to stop charging late fees on fines

San Mateo County Superior Court agreed to stop charging residents fees for late payments and suspend debt collection efforts while a civil rights lawsuit is underway.

[NATALIE HANSON](#) / November 15, 2022

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San Mateo County Superior Court. (By mliu92 - Redwood City scenes, CC BY-SA 2.0, <https://commons.wikimedia.org/w/index.php?curid=93275851>)

SAN MATEO, Calif. (CN) — The San Francisco Bay Area county of San Mateo will no longer charge its poorest residents hidden fees for unpaid traffic tickets and missed court deadlines, in what several civil rights organizations call a major win for low-income clients.

This past January, several civil rights groups [sued](#) the San Mateo Superior Court claiming state courts unfairly penalize the poorest residents and create a conflict of interest that violates constitutional due process. They said charging a \$300 late fee for infraction fines [disproportionately affects](#) low income people of color and is a poverty tax on vulnerable people.

The plaintiffs described the fee as a “hidden tax” the court automatically uses as a form of punishing people who miss the deadline to respond or pay their traffic tickets or other citations for minor infractions. It also helps fund the courts — revenue from civil assessments are placed in the Trial Court Trust Fund, a pot of money from which operating dollars are allocated to the courts by the Judicial Council, the policymaking body for the California court system.

The San Mateo Superior Court has raised more than \$9 million in the last three years and kept \$3.4 million for itself, the plaintiffs said. They sought an order barring the court from charging and collecting civil assessments without informing people of their constitutional right to challenge the fees.

The Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, the ACLU Foundation of Northern California, Bay Area Legal Aid and law firm Fenwick & West LLP reached a [stipulated agreement](#) with the San Mateo court late Monday. The court promises not to charge fees for late payments and to suspend all debt collection efforts “without admitting any liability or wrongdoing.”

The county ended its role as the contracted collections agent for San Mateo Superior Court, with respect to unpaid accounts including civil assessments, on May 25. The court released and posted a public notice on Nov. 9, while plaintiffs and the Judicial Council of California are still negotiating.

The civil rights groups say stopping the late fees will unburden thousands of San Mateo residents stuck in a cycle of poverty due to their inability to pay the court debts. [Senate Bill 199](#) took effect July 1 and eliminated millions of dollars in outstanding civil assessments debt, reduced the civil assessment to a maximum of \$100 and secured funding for California courts while prohibiting them from relying on late fees as a source of revenue.

In a statement released Tuesday, the plaintiffs described assessment fees as “rooted in mass incarceration-era policies” implemented to address funding shortages during the “tough-on-crime frenzy” in the 1990s.

“It is a [burdensome, regressive and racist tax](#) on poor Californians that serves no legitimate purpose,” the plaintiffs said. “California must stop passing on the financial burden of mass incarceration onto the very communities most victimized by those failed policies.”

Katrina Logan, executive director of Community Legal Services in East Palo Alto, praised the agreement. “A civil assessment used to be the normal penalty for making a mistake or not having enough money — in other words, just being human or being penalized for being low-income. Now we can tell clients and community members, particularly during this time of economic uncertainty, that they won’t be automatically and illegally charged a late fee in San Mateo County any longer,” she said.

Brandon Green, racial and economic justice director at the ACLU, called the agreement “a small step towards addressing decades of harm Black and brown people have faced in the criminal legal system.”

He added: "It is particularly timely as the Reparations Task Force report has made the depth of these types of harm visible to all. Racialized wealth extraction practices such as civil assessment fees have always disproportionately impacted Black and brown people — who, due to racism and deep biases in policing, are subject to traffic stops and citations at much higher rates than their white peers."

Zal Shroff, a senior attorney at the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, also said that the legal battle is not finished.

"Courts across California are still unlawfully extracting millions of dollars in civil assessments from low-income Black and brown people who cannot afford to pay their tickets on time," Shroff said. "We will not rest until we have eliminated these illegal practices in trial courts throughout the state, or until California completely abolishes this unconscionable poverty tax."

Attorneys representing San Mateo County did not respond to requests for comment by press time.

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