

In San Jose, Poor Find Doors to Library Closed

By Carol Pogash

March 30, 2016

SAN JOSE, Calif. — When Damaris Triana, then 8, lost several “Little Critter” books that she had borrowed for her sister, the library here fined her \$101 — including \$40 in processing fees — a bill that was eventually turned over to an agency to collect from her parents.

The \$101 is a small part of a whopping \$6.8 million in unpaid fines at the San Jose Public Library, an amount that exceeds unpaid fees at some larger cities around the country. It also exceeds other Bay Area cities like Oakland, which has \$3 million in outstanding fines, and San Francisco, which has \$4.6 million. In San Jose, when the late fee hits \$50, the library refers the debt to a collection agency.

As the total of overdue fines has increased, so has the number of cardholders who owe \$10 or more and are prohibited from borrowing materials or using the library’s computers. Damaris, now 10, relies on her cousin’s card or uses her school’s library, where there are no fines for late or lost books.

The concept of free public libraries gained support in the 1830s and was popularized by the industrialist Andrew Carnegie, who helped build 1,689 libraries around the country in the late 1800s and early 1900s on the notion that all people should have an opportunity to improve themselves. But public libraries like San Jose’s are struggling to find money to pay for books and services.

In San Jose, libraries began charging 50 cents a day for an overdue book, and what Jill Bourne, who became director of libraries in 2013, called “an exorbitant processing fee” of \$20 for lost materials. Those high fines have come at a cost.

In impoverished neighborhoods, where few residents have broadband connections or computers, nearly a third of cardholders are barred from borrowing or using library computers. Half of the children and teenagers with library cards in the city owe fines. Around 187,000 accounts, or 39 percent of all cardholders, owe the library money, Ms. Bourne said.

Outsiders might think that “everyone in Silicon Valley is affluent and hyperconnected,” said Mayor Samuel T. Liccardo. He represents San Jose’s one million residents, 40 percent of whom are immigrants. “We still have a digital divide.”

“The kids who are barred from the door of the library are the ones we most desperately want to reach,” he said.

In some immigrant neighborhoods, Ms. Bourne said, “there is a fear of government interaction. As soon as people hear there is the potential for being penalized by the government, they want to stay away from that service.”

In February, Ms. Bourne appealed to the San Jose City Council to consider offering amnesty to borrowers saddled with fines and lowering the daily penalty for late books for children to 25 cents. She said in an interview that she also wanted “to revisit” the use of a collection agency. In a memorandum, she wrote, “Library policies are not intended to prevent or restrict any individual’s ability to access library resources and services,” but she added, “this may be the unintended consequence.” Her proposal has been heard by a council committee. Next month, the entire City Council is expected to consider the proposal.

Last year, the library collected \$877,948 in fees. Ms. Bourne says she considers the fee revenue to be “an artificial sum,” dependent on people not returning items. “I want to make it easier for people to keep their accounts active and not rack up debt as they have in the past,” she said. She hopes that “if more people are using the library, it’s possible we will still recoup a similar amount annually.” The library’s budget this year was \$58.9 million.

Adriana Leon, a mother of three, owes \$30 for 15 books that she said she dropped off late on a Friday. She said the library incorrectly charged her for being three days late. Now, she no longer borrows books and is teaching her daughter not to borrow, either. “I try to explain to her: ‘Don’t take books out. It’s so expensive,’ ” she said.



Martha Hernandez paid for her son's late fees this month at the Biblioteca Latinoamericana Branch Library in San Jose, Calif. Gabrielle Lurie for The New York Times

Ms. Bourne has heard that before: Children tell her, “My mom won’t let me get a card because she doesn’t want fines.”

“That’s not what you want a public library to be,” she said.

On a weekday afternoon, the light and airy children’s area at the Biblioteca Latinoamericana, a branch library near downtown, was nearly empty. In the children’s section, only Alexander Ramirez, a sixth grader, occupied a computer. “I always bring books back on time,” he said. “I’m really careful.”

Alexander is more careful than most. Half of the current cardholders at the Biblioteca branch owe money, and most — 65 percent — are barred from borrowing materials and using computers because they owe \$10 or more.

San Jose’s charges are exponentially higher than comparable cities like San Francisco, where there is no charge for late materials for users 17 and younger and a charge of 10 cents a day for adults.

“Fifty cents a day for middle-class families is a slap on the wrist,” said Maria Arias Evans, the principal of Washington Elementary School in San Jose, which is behind the Biblioteca Latinoamericana. Given the choice between paying fines “and putting food on the table and a roof over the children’s head, it’s a no-brainer: It is better not to check out library books.”

She added, “Accumulating fines for families whose income is, on average, \$30,000 a year with monthly rents at \$1,600 for a one-bedroom apartment is much more of a burden. Ninety-five percent of Washington’s students qualify for the free and reduced lunch program.”

Graciela Leon, whose children attend Washington, was a few days late in returning 10 children’s books and, she said through an interpreter, she lost one movie. With five children, her husband’s \$35,000 income and \$1,500 rent for a two-bedroom duplex, she said she could not afford the \$40 fine.

The problem of late fees is so widespread that the American Library Association has addressed the issue. In a little-known policy objective, it calls for “the removal of all barriers to library and information services, particularly fees and overdue charges.”

“Public libraries would not have existed for centuries if most people didn’t follow the rules,” said the association president, Sari Feldman. “We are also very attentive to creating a barrier-free environment that enables all people to use libraries and have equitable opportunity in our country.”

While many libraries have loosened rules on overdue fees, some have not. Texas enacted a law in 2013 granting county libraries the power to file lawsuits in extreme cases against borrowers who fail to return library materials. Gloria Meraz, the communications director for the Texas Library Association, said while the law gave libraries greater clout, she had not heard of any lawsuits.

At the Queens Public Library in New York, young people owe \$1.45 million in fines. While that is a significant amount, Joanne King, the director of communications, said, “We’re very concerned about people not being able to use the library.”

Those who cannot pay money, she said, can pay down their debt with reading time in the library. The program lets children and young adults through age 21 spend time reading in the library to earn financial credit to pay fees.

“Unpaid fines are part of the cost of doing business,” said Joseph Keenan, Newark’s interim library director. “If you have a family with kids and they don’t return the materials, do you want to say, ‘You can’t use the materials?’ Absolutely not.”