

CHANGE SERVICE REQUESTED

# Tenant Times

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## No on 90

State Prop Could Spell the End of Rent Control

For tenants, the most dangerous measure on November's ballot is Proposition 90—a measure which will severely restrict San Francisco's rent control law, condo conversion law, housing & habitability codes and affordable housing laws like inclusionary zoning requirements. At worst Proposition 90 would render rent control unenforceable, effectively repealing it. At best, Proposition 90 would prohibit any further rent control changes benefiting tenants. Proposition 90 is one of about six nearly-identical measures placed on state ballots around the country by a coalition of right-wing groups seeking to use current fear over eminent domain to severely limit government's ability to regulate businesses and land use.

Prop 90's bait is to prohibit the use of eminent domain unless the use of the property would be by a government entity. California already has a similar prohibition on the use of eminent domain—the bait is being used to hide the meat of Prop 90 which is to end government regulation of businesses. Prop 90 says that governments must reimburse any property owner whose actual or potential property value is reduced (by even a dollar) as a result of government regulations.

In other words, if a landlord could raise rents by \$1,000 per unit but a local rent control law limited those rent increases to \$250, the government would then owe the landlord \$750 per unit. Multiply this \$750 times the 200,000 or so rental units in San Francisco and it would mean a bill for the city of \$150 million. In addition, the landlord could sue, saying their 10 unit apartment building would be worth \$10 million if the rents were no regulated but is worth just \$7 million because of rent control. Based on 1,000 10 unit buildings in the city, the city's bill from these landlord would be \$3 billion. The same would be true with condo conversions: a 4 unit building is worth \$1.5 million as rental property, \$3.5 million as condominiums thus the city would be on the hook for the \$2 million difference for every 2-6 unit building in the city—a cost to the city of hundreds of millions of dollars.

Obviously—as Prop 90 intends—the city could not afford to pay landlords these huge amounts and would simply not adopt any further laws limiting rents, evictions, conversions etc. What can make this situation even worse, though, is that if the measure passes then landlords will start filing lawsuits claiming compensation under existing rent control or condo conversion laws. If the courts rule that Prop 90 impacts the future application of current laws, then San Francisco's rent control and condo conversion laws will be effectively repealed.

Tenants obviously need to vote NO on Prop 90 and make sure the word gets spread that 90 – rent control repeal. For more information on Prop 90 and how you can get involved, here's some resources: No on Prop 90 web site: <http://www.NoProp90.com>; California Budget Project report on Prop 90: [http://www.cbp.org/2006/0609\\_bb\\_prop90.pdf](http://www.cbp.org/2006/0609_bb_prop90.pdf)

## Yes on H

Prop H Would Stop Unjust Evictions, Fight Displacement

When tenants get evicted for no fault of their own, the results are far too often disastrous. These evictions come with no advance warning and give tenants a short time—just 30 days—to find a new place. Already stretched paying San Francisco's high rents, tenants often do not have the money to find a new place, especially since many find that moving will mean a significant rent increase. It's especially difficult for families with children or seniors or tenants who are disabled. With little money or time, tenants are being forced out of the city or into marginal housing such as SRO hotels or are forced to move into shelters or even on the street.

The consequences are horrendous for the evicted tenants but bad for the entire city. The forced displacement if resulting in San Francisco losing its diversity, as evidence by an August Census Bureau report which showed that the city's Latino population has declined by over 10% and the African American population by over 20%. Seniors, too, are being forced out: our population of people over 60 is remaining flat, while it should be growing substantially due to the aging of baby boomers.

Prop H will provide evicted tenants with the help they need to remain housed and in the city. Prop H on the November ballot will mean that evicted tenants will get meaningful relocation benefits to assist in finding and moving to a new place. The measure provides that evicted tenants get \$4,500 each, plus an additional \$3,000 for any tenants who are senior, disabled or living with children. These relocation benefits would be paid by the landlord to any tenant evicted for owner move-in, capital improvements, demolition, or substantial rehabilitation (Ellis evictions already have these amounts of relocation).

Yes on H will also curb many unjust evictions. The measure requires that half of the relocation benefits be paid with the eviction notice. Not only will this make sure that tenants have money to work with immediately, it will also discourage unscrupulous landlords from sending out fake notices, hoping to get the tenants to move without the landlord actually having to follow through on the eviction move in to the place (for example). Also important with Prop H is the expansion of the idea of a "protected class" of tenants: households and families with children will get additional relocation under H, not just senior and disabled tenants. This concept comes at a time when Sup. Jake McGoldrick is also looking to provide extra eviction protections for families with school-age children and it's hoped that Prop H will lead to bans on evictions of children.

As usual, the real estate industry is expected to spend hundreds of thousands of dollars against Prop H and tenants will have to wage an uphill grass roots effort to get Prop H passed. Tenants may not have the money landlords do, but we do have plenty of devoted volunteers to walk precincts and get the word out. With everyone's help, we'll defeat the landlords and all their money once again. Click here to contact the TU to volunteer for the campaign. For the text of Proposition, click here.

## Justice Denied: City Attorney Throws Out Petition to Save the Bayview

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# Endorsements: Daly, Rosenthal, Mak, Harrison, Yes on F

Yes on Prop H and No on Prop 90 are the two big votes tenants need to make this year to expand and protect our rights under rent control. But, in addition 5 Supervisor seats are up as are School Board seats, Community College Board seats and a bunch of other local and state measures.

## Board of Supervisors

Besides Props H and 90, the Board of Supervisor races pose the most interest for tenants. This year, the “even” seats are up—Districts 2 (Marina), 4 (Sunset), 6 (Tenderloin/SOMA), 8 (Castro/Noe), and 10 (Bayview/Potrero Hill).

The SFTU endorsements are:

District 2—No Endorsement.

Michela Alioto-Pier has been horrible for tenants, with a 100% anti-tenant voting record but there’s no real challenge to her unfortunately.

District 4—Jaynry Mak (No other candidates ranked)

This Sunset district is never going to give tenants a Chris Daly. It’s overwhelmingly homeowner and tenant issues don’t dominate here. On the other hand, there’s no reason that District 4 should elect a Supervisor who was as fervently anti-tenant as Fiona Ma was. Ma wasn’t happy ignoring tenants—she wanted us evicted and gone. Jaynry Mak will not have a 100% voting record for tenants, but she also won;t have a 100% voting record against tenants and that;s probably the best we can do here. Mak will at least be open to discussion and compromise and tenants can probably expect her vote on moderate issues (she supports Prop H, for example, and is against rent control means testing). Another fcator is that Mak’s main opponents (Dudum and Chan) are both strongly supported by San Francisco’s landlords and right wing groups like SF SOS. Vote for Mak

District 6—Chris Daly (No other candidates ranked)

Not much has to be said here. Chris is awesome, leading the fight for tennats rights and rent control at City Hall. The moderates and conservatives may hate Daly and once again they salivate at the idea of defeating him. They just can’t grasp that Chris is loved in his district (he was the only Supervisor to avoid a runoff last time). Vote for Chris and get involved in his campaign.

District 8—Alix Rosenthal (No other candidates ranked)

The real struggle behind the condo conversion battles is over the demographics of the city. Downtown business interest and right wing groups have been in the forefront for more condo conversions because they are the most efficient way of eradicating the city of tenants (who tend to be diverse, lower & moderate income and a large progressive voting bloc). For every conversion, a tenant is evicted (usually out of the city) and the unit beomes million-dollar condo inhabited by a wealthier and more conservative homeowner. These r ue believers of condo conversions don;t see evictions as an unfortunate by-product of the conversion, they see the evictions as positive and welcome. District 8 is a living example of

this struggle. Once very progressive, the unprecedented number of evictions and conversions there mean the district is now moderate and up for grabs. There’s still substantially more tenants than condo owners in District 8, but nothing like before. Sup. Bevan Dufty was clearly elected to his seat by the condo owners (he narrowly defeated Eileen Hansen, who was strongly supported by tenants). This year’s race between Dufty and Alix Rosenthal will be similar. Rosenthal understands the issues that tenants are facing, especially in this district which has had so many evictions that it’s been deemed the AIDS Eviction Capital of the world and she would be a strong pro tenant vote on the Board.

District 10—1st Choice Marie Harrison, 2nd Choice Sophie Maxwell, No 3rd Choice

This was a tough decision for the SFTU. As Supervisor, Maxwell has a consistent pro-tenant voting record. She has not taken the lead on any tenant issues and too often she remains on the fence until the last minute. Coming from a mostly homeowner district maybe not much more could be expected of her, but it is a working class district which votes pro-tenant so the Supervisor here needs to be pro-tenant. A solid voting record like she has would normally get a candidate the Tenants Union endorsement and Maxwell would have gotten it except for the issue of Bayview Redevelopment. Maxwell supports the existing redevelopment plan and Bayview tenant and affordable housing activist Marie Harrison opposes it.

The redevelopment issue is a tough one, largely because the Bayview has been criminally ignored for so long that there’s temptaion to support anything but the status quo. Nonetheless, the redevelopment “project area” is massive, encompassing the entire neighborhood (It’s the largest such project area in the history of redevelopment here and elsewhere; in other SF neighborhoods, these project areas designating areas as “blighted” are typically a stretch of 1 or 2 blocks, not entire neighjborhoods.) The massiveness of the area, coupled with the history of redevelopment as a tool to rid neigjhorhoods of poor and working people, layered on top of the fact that so many of the Bayview residents were already displaced once by redevelopment (from the Western Addition) mandate that ??????????????. The city definitely needs to pay attention to the Bayview—it needs grocery stores, jobs, reliable bus service, better roads, better parks, and police who treat it as a neighborhood, not as occupied enemy territory. A moderate redevelopment plan might make sense—along the 3rd Street commercial corridor, for example, or a program with specific goals (e.g. get a grocery store into Bayview Plaza) or develop a program to give grants or loans for low income homeowners to bring houses up to code.

But, given the history of Revelopment, the gentrification already happening in the Bayview, and a redevlopment plan which says an entire neighborhood is blighted, the current plan is a unworkable. ??????? and will likely prove to be too much of a temptation for the Redevelopment Authority to do more harm than good, as history has shown us Redevelopment will do when the door is opened. And Marie Harrison is the strongest candidate opposed to the Redevelopment.

School Board

This is of less interest to tenants directly. Our

endorsements reflect candidate positions on tenant issues (important because School Board is often a stepping stone to Supervisor), current education issues and a candidate’s understanding how maintaining affordable and secure housing is important to children going to school. Our endorsements (3 positions open).

Jane Kim  
Kim Knox  
Kim Shree Maufas

Community College Board

Also of less interest directly, but important for the same reasons above.

Johnny Carter  
Bruce Wolfe

San Francisco Propositions

Prop A (School Bond)	No Posiiton
(Note this bond is partially passed through to tenants)	
Prop B (Teleconferencing)	No Position ??
Prop C (Elected Officials Salaries)	No Position
Prop D (Private Information)	No Position ??
Prop E (Parking Tax)	Yes
Prop F (Paid Sick Leave)	YES YES YES
Prop G (Chain Store Limits)	Yes
Prop H (Eviction Relocation)	YES YES
YES	
Prop I (Mayor-Supervisor Meetings)	Yes
Prop J (Impeach Bush Cheney)	Yes
Prop K (Senior/Disabled Hosuing)	Yes

State Propositions (No Position if not listed)

Prop 1C (Housing Bonds)	Yes
Prop 1E (Levee Repair)	Yes
Prop 83 (Sex Offenders)	No
Prop 86 (Abortion Waiting Period)	No
Prop 90 (Property Regulations)	NO NO NO

**Volunteer!**

**volunteer@sftu.org**  
**415-282-5525**

## New Limits on Condo Conversion

Ellis evictions—especially those of senior and disabled tenants—are expected to start dropping as a result of far-reaching legislation banning condo conversions following evictions. The legislation, sponsored by Board President Aaron Peskin passed the Board of Supervisors and was signed into law by Mayor Gavin Newsom, whose earlier vetoes of very mild tenant legislation had left him looking overly anti-tenant and uncaring a growing eviction epidemic.

The Peskin legislation amended the San Francisco Subdivision Code to make the eviction history of a building a factor in the basic eligibility criteria for condo conversions. While it will have its biggest impact on Ellis evictions, the law prohibits condo conversions following any of the “no-fault” evictions, including owner move-in, capital improvements, and demolition.

Buildings which have had any single eviction of a senior or disabled tenant for Ellis or one of the other no-fault just causes, on or after May 1, 2005, will be permanently banned from converting to condominiums. The ban applies to the entire building, not just the unit where the eviction occurred.

In addition, buildings which have had two or more Ellis or no-fault evictions of any tenants—not just senior or disabled—will be banned from converting to condominiums for ten years and will only then be eligible if the building has been owner occupied the entire time. Again, the conversion ban applies to the entire building, not just the units where the evictions occurred. This high percentage is due to the real estate speculators targeting buildings with long-term tenants as the most profitable buildings to convert and the fact that seniors, especially, tend to have long time tenancies.

## New Standards for Affordable Housing

In recent years, as publicly funded subsidy programs continue to suffer drastic cuts, a mounting need to uncover a way of increasing the availability of affordable housing intensifies. Across the nation, in an attempt to resolve this quandary, many municipalities have adopted programs of inclusionary zoning. These programs, if successfully implemented, signify a type poetic justice by creating a solution to affordable housing shortages by harnessing the power of the free market, the primary source of affordable housing shortages in the first place. Though programs vary extensively, the guiding principle is to either force or to compel developers into including alongside the market rate units, a certain percentage of units with deed limitations. Essentially this ensures that accessibility to the new housing developments is opened up to wider segment of the community. It also alleviates problems associated with high concentrations of poverty in specific areas, all the while preserving precious public funds for use towards other struggling social programs. However, the success of inclusionary zoning programs can be severely limited based on how stringent the regulations of the planning ordinance are. For instance some inclusionary zoning ordinances are voluntary, the planning commission offers incentives to developers for including affordable housing units, but does not require them. Often incentives are simply not enough to compel developers to include affordable housing in developments. Another considerable hurdle in the overall goal of inclusionary zoning is by offering developers the option to build a larger percentage of units off-site or paying an in-lieu of fee as opposed to creating actual on-site units. This generally undermines one of the foremost objectives of inclusionary zoning, and that is to improve the existence of economic diversity in a given community.

Recently a proposition by Supervisor McGoldrick suggesting that the figure which qualifies whether a development is subject to the zoning ordinance be lowered from a 10 unit threshold to that of only 5, was passed. This suggestion had been made in reaction to the abundance of 8 and 9 unit buildings being erected simply to avoid being subject to the ordinance. Lowering the threshold should significantly improve the success of the program. Sadly however the proposition that developers not be given the choice of building off-site units was rejected. Developers can build units off-site if they increase the overall number of affordable units built. Because inclusionary zoning is a process whose goals are two-fold---providing more affordable housing, and economically integrating communities---allowing builders to build off-site, while satisfying the first goal, can negate the second.

Though there may be many points where San Francisco can improve its inclusionary zoning ordinance, this should not discourage the planning commission from pursuing this path. Similar zoning policies have been thoroughly successful in other areas. Montgomery County, Maryland which is often referred to as being the founder of inclusionary zoning has created more than 10,000 affordable units since the 1970's—a large portion of these units being on-site creations resulting in an economically diverse community, despite the fact that it is the 6th wealthiest community in the United States.

-April Toy

## Common Spaces Covered by Rent Control

Legislation severely restricting a landlord's ability to take away parking, storage, laundry, decks and yards became law as of July 27, 2006. Sponsored by Sup. Ross Mirkarimi, the law requires that landlords must have one of the “just cause” eviction reasons in order to take away such services. Previously, landlords could unilaterally take away services not located within the tenant's unit. Landlords often used this ability to drive out longterm tenants, such as seniors who were dependent on in-building laundry. Now the landlord would have to have a just cause and would have to evict the tenant from the facility in court. Tenants who legally lost use of any of these services would have to get a rent reduction.

## Tenants Struggle Against CitiApartments

### *Stories from the Counseling Desk...*

more than cold comfort

Sitting at the desk the tenant related her experience of paying “market rent” for a heat-less Mission district flat. After months of freezing she wrote her landlady stating her intent to file a petition at the Rent Board if she was not given a rent reduction of \$250 per month. The landlady responded immediately that she would give her a \$200 reduction. Wow congratulations I said - it's not usually that easy. She smiled briefly and got to the point. I want to ask her for the remaining \$50 she asked . “ Is that o.k. ?” “Of course it's o.k....” I said. It seems like she wants to avoid the Rent Board “...

Sales , Harassment ETc

Several Fridays in a row the tenant and i had strategized about slowing down the sale and threatened Ellis of their building. A surviving relative was in charge and now in the process of spiffing up the building for sale . The always-galling process of watching your home become more attractive to buyers after you have paid rent on it in its less than pretty condition for many years was unfolding. One morning scaffolding was being put up and painting was beginning- no notice of inconvenience etc., to the lowly tenants. But unfortunately for them one tenant was home sick and reading the handbook - they were across from small private school ...The tenant called the health dept who came out next morning and stopped the painting... pesky permits you know... schools. lead, children , all that...

-Susan Prentice

# Three Tenant Heroes Inducted into Hall of Fame

Cary Gold, Roger Levin, Bill Sorro honored for their contributions to the SF tenants move-

Three long-time tenant activists were inducted into the Tenants Hall of Fame on Saturday, September 16th. Cary Gold, Roger Levin, and Bill Sorro were recognized for their work defending tenants' rights. With decades of experience as organizers, the honorees ??????????

Cary Gold

When Cary Gold moved to San Francisco in 1978, she immediately got involved in the struggle for Rent Control. A veteran of tenant organizing in Ann Arbor, Michigan, Gold brought her know-how to the fight for Proposition H, which ??????. In 1980 Gold initiated what would become a 17-year counseling shift at the Tenants Union. During her tenure at the TU, Gold attended law school and began practicing law as a tenant attorney. She describes working on

works at VLSP supervising attorney of pro-bono landlord tenant cases recently  
"It's like watching people losing their homes constantly. This program basically helps only the very low-income. We really see people getting trampled upon. If I can get them

6 months  
some success if they can get representation. Something happen in their life and they ran out of money. They either lost their very low-paying job, or had some kind of emergency in the family. When you're living on the edge, that can be the difference between having next month's rent or not. It's not that I see a ton of cases that are bogus, but

Living on the economic edge, but who have managed to maintain their housing for ten years. Then something happens and they get a nonpayment notice. Should someone like that have to lose their home? Because of some very unfortunate event?"

RADCO and attorneys

even in five years different area of law, still went to tenant bar meetings, mediator of landlord tenant cases, "stayed connected to the issues and the people" doing eminent domain for public agencies, redevelopment agencies

"I don't have a lot of sympathy. I used to represent tenants in apartments, continued

"I am concerned about that right now because I know that there's a big group of people in the Bayview who really do not like the plan. They were circulating a petition to redirect the plan, and the City Attorney disqualified the petition because

I just think that that's completely unfair. I think that the people of Bayview are entitled to a referendum.

I think that eminent domain for purposes of redeveloping a very blighted area can be a very good thing. I think where the difficulty comes in is two places: there's been a lot of redvel. in CA where's it's been -close down small bus. so some big bis can open up. So there might be the mom and pop groc store, local liquor store, local shoe repair shop, and these people are poor. And a city sees an opportunity to put in some big box stores—home depot, costco,

and get increases tax revenue. And I don't think that's fair.

I think the other issue is the issue of displacement of community. Eminent domain was done in a very very ugly way back in the sixties in this city in the Fillmore, and many of those people relocated to the Bayview. And this is like the sixties revisited for them. There was no

going back to the Fillmore. And the fillmore sat

They basically removed everyone in the mid to late sixties, but then they didn't build anything until the late seventies. And that area was just empty.

Redevelopment agencies have learned a lot from that. They have community meetings, they try to create a plan with community input, and they've tried to do that in the Bayview. I just don't know if they did enough.

And then someone explained to me that they'd gotten rid of all the poor people in the Fillmore and torn down the buildings.

one of the issues worked on in practice "big deal of me" TIC issue which then died out for a long time b/c real estate market was not hot

very big in 186-87 lots of TIC evictions. at that time you only needed 10 percent interest in a unit to evict

So we were getting these TIC buildings of 12-14, at least 10 unit buildings, everyone having at least 10 percent interest. It was before the Ellis act had come into existence. We were struggle with revisiting the code conversion law to keep these units from being converted.

tried to raise percentage

tried to keep TIC evictions down to four units or less  
"it was a very big issue and something I worked on a lot in my practice. " 91-92 started to die down.

"it reared its head again, this time with the help of the Ellis act, in the late 90s. and I would say remained the biggest threat to San Francisco's housing needs today."

"I don't really look to the future. I'm a day by day fight the battles kind of person. I would say that I do not think this town is going to be tenant-friendly over the next ten years. There's a pressure on rents right now b/c of the high cost of living. Rents are going up and I just don't think we're going to have a city that welcomes low income people who are necessary to keeping this city diverse. I mean by diversity, beginning with strating out artists, people who are creators cannot afford to live in this city. SO we lose a lot. I just read

Chris Daly district 30 percent turnover of people who live in district since last time being elected. and that turnover also represents a lot of turnover of buildings. turnover

more transient and more affluent

Of course what's important to me now is that people volunteer—lawyers need to do pro-bono work and people who aren't lawyers need to volunteer to do a shift at the TU or the HRC, or interpret if you know another language.

We're not going to be able to help the tenants in San Francisco without people giving of their time.