

Tenant Times

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June 21 SFTU Open House & Tenants Hall of Fame Celebration

The occasionally-annual Tenants Union Open House and Tenants Hall of Fame celebration is set for this year at our building at 558 Capp St. on Saturday, June 21, 2003, from 11 AM until 4 PM. It will be a fun day of food, drink, music, informational workshops, a humongous yard sale and a Tenants Hall of Fame ceremony, honoring our 2003 inductees: former Sup. Sue Bierman, New College Professor Ora Prochovnik and tenant attorney Scott Weaver. Plus it's a great opportunity to meet and mingle with other Tenants Union members, staff, volunteers and housing activists from around San Francisco.

2003 Hall of Fame

The highlight of the day will be the Tenants Hall of Fame ceremony. The Tenants Hall of Fame ceremony was started at the Tenants Union's 20th anniversary celebration in 1990, when we inducted Tenants Union co-founders Michael Canright and David Brigode as well as stalwart pro-tenant Supervisors Nancy Walker and Harry Britt. The Hall of Fame was developed as a way to recognize those people who have made significant contributions to the struggle for affordable rental housing in San Francisco. From the development of the tenants movement in San Francisco to the original fight for rent control on to ongoing fights to strengthen rent control, hundreds of activists have made very important contributions. The Hall of Fame honors those whose contributions were both significant and long-standing. Many more people could be honored than are honored. This year we are honoring 3 people: former Sup. Sue Bierman, New College professor, attorney and tenant activist Ora Prochovnik and longtime tenant activist and tenant attorney, Scott Weaver.

Sue Bierman

Former Sup. Sue Bierman could be in many Halls of Fame. Her contributions to the city are lengthy, including leading the fight against freeway expansion in San Francisco to her work on the Planning Commission protecting affordable housing and the neighborhoods and character of San Francisco. We will honor her in particular for her work on behalf of tenants, most notably at the Board of Supervisors (and continuing today as a member of the Democratic County Central Committee). She was first elected to the Board in 1992 and re-elected in 1996 and then unfortunately termed out of office. Her voting record on behalf of tenants was 100%. More importantly, she took leadership on the Board on issues of tenants rights and affordable rental housing. Her legislative accomplishments were many but perhaps her most important accomplishments was her work fighting "Owner Move In" and Ellis evictions as well as TIC-type condo conversions. Laws which prohibit senior evictions, regulate TIC condo conversions and provide for relocation for Ellis evictions were all originally introduced by Sue.

Ora Prochovnik

Ora Prochovnik is a New College of Law professor and heads the New College Housing Advocacy clinic and has been active in the tenants movement and the Tenants Union for decades. Ora's involvement in the tenants movement ranges from her work at the TU to work with the AIDS Legal Referral Program (ALRP) and Volunteer Legal Services Program (VLS), to work with the Eviction Defense Collaborative and many more. She was instrumental in the founding of the Eviction Defense Collaborative in 1994 when funding cutbacks left San Francisco without any free legal help for tenants fighting evictions in court. Prior to New College, Ora co-founded Bayside Legal Advocates, a woman-run community law firm and is a past winner of the State Bar Pro-Bono Service Award. Besides her work on behalf of tenants, Ora is active in areas such as

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Elect The Rent Board!

Ultimately, how well rent control protects San Francisco tenants depends on the Mayor-appointed Rent Board Commission, which oversees the Rent Board and the rent control law. For many years, through many anti-rent control Mayors, this Commission has moved the Rent Board and the rent law away from its original goal of protecting tenants to the now current goal of expediting rent increases for landlords.

Back in 1994, San Francisco voters brought rent control to the previously unregulated 2-4 unit buildings which were landlord occupied. Rents and evictions in such buildings had run rampant and by moving into a building for just six months a landlord could remove it from rent control, jack up the rents and then move out. Unsurprisingly, many landlords made living by temporarily "moving" into their buildings, raising the rents and then moving onto another building to do the same.

When these buildings were brought under rent control, however, the Rent Board Commission decided it had to adopt "implementation regulations" which included giving the landlords of these buildings one last and unlimited rent increase before rent control kicked in. Threats of a lawsuit and a torrent of tenant rage

forced them to back off, but for years tenants have had to fight a Rent Board which is unsympathetic to tenants and overly-sympathetic to landlords. Many say that the Rent Board—which is supposed to control rents—is now in the business of promoting rent increases.

More recently, in the peak of the dot-com crisis when evictions hit record levels, statistics show where the Rent Board is at. Tenants were clamoring for protection against the epidemic of evictions and turning to the Rent Board for help. More "Wrongful Eviction" petitions were filed than at any other time. Simultaneously, landlords were drooling over the soaring rents on uncontrolled vacant units and clamoring for ways to raise rents on their tenants to take advantage of the housing crisis.

How did the Rent Board respond to the demands of tenants and landlords? It held 4,925 hearings on landlord petitions to raise rents while holding 0 (zero, as in none) hearings on tenant petitions for wrongful evictions—that's landlords 4,925, tenants 0. In other words, it rolled out the red carpet to landlords and padlocked the door for tenants. In fact, during the duration of the worst of the dot-com crisis, the Rent Board remained silent neither stepping up efforts to investigate wrongful evictions nor analyzing what the housing crisis was doing to the city nor recommending legislation to end or mitigate the well-known and well-documented impacts of a crisis which was systematically displacing tenants. Its almost akin to the city's

Health Commission sitting silent for years as an epidemic rages through the city.

Through the doors of the city's tenant groups, a parade of tenants come through with far too many recalling abuses at the hands of the Rent Board. Stories are told daily of tenants being abused by Rent Board Administrative Law Judges, of landlords given rent increases even when lacking basic documentation required by law, of staff telling tenants they could not file a petition because the landlord said there was no problem. Or, tenants file wrongful eviction petitions only to find out that they never get a hearing and instead the Rent Board guides the landlord on how to do the eviction.

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Convention A Huge Success

The 2003 Citywide Tenants Convention was a huge success, with over 200 tenants attending the day-long event at the State Building. The sense of the day seemed to be frustration that landlords are out of control and unregulated in San Francisco. With landlords having reaped huge profits from the dot-com crisis, evicting thousands of tenants along the way there was frustration that no one was watching or regulating them.

Somewhat surprisingly, the top issues chosen by attendees were to restructure the Rent Board to make it more accountable to tenants and to develop a system to license landlords. Ultimately it was decided to fix the regulatory scheme we now have rather than to develop a new one. Thus a measure to elect the Rent Board will be on the November ballot.

Attendees first participated in workshops on either Rents, Evictions, Habitability or Affordable Housing Models. Each workshop made recommendations. The Rents workshop recommended restructuring the Rent Board and the Habitability workshop recommended Licensing Landlords (this workshop also discussed restructuring the Rent Board).

Since the March 29 convention, participants have continued on meeting and developing the campaign to Elect the Rent Board. Besides the city's tenant groups which coordinated the event, particular thanks goes to Sup. Chris Daly and his staff for handling much of the logistics and Johnnie Carter of Sen. John Burton's staff for assistance with the event and location.

Rent Increases Will Be Capped In 2004

The election of the Rent Board promises many long-term and permanent benefits. But the new Board won't be in place until 2005, so it promises no immediate relief for renters. With unemployment hovering around 7% and many tenants out of work or working greatly reduced hours, and with the economy continuing to head south (unless you're rich!), tenants need some immediate help, participants at the 2003 Tenant Convention said. Plus, the concern was raised, what's going to happen in the one year between the authorization to elect the Rent Board (in November 2003) and the first election of the Rent Board (November 2004)—what is the pro-landlord, lame-duck Rent Board apt to do? Great fear was expressed that the final year of the Brown appointed Rent Board would be devoted to raising rents as high as possible in anticipation of a pro-tenant elected Rent Board.

A freeze on rent increases-or a cap on rents-is what was decided as the solution.

The ballot measure to elect the Rent Board is being planned to include a ban on any additional rent increases in 2004, so long as unemployment remains above 5%. This cap on rents will take effect in December, 2003, at which point the Rent Board will not be allowed to approve any rent increases and landlords will not be allowed to impose any rent increases until this cap is lifted. This will include all rent increases, other than those provided for in state law (i.e., Costa Hawkins).

This will mean that tenants will not get any capital improvement rent increases (whether it's a new petition or the imposition of a rent increase for a previously approved petition), or any "operating & maintenance" increases, or PG & E increases, or annual or banked rent increases or even bond passthroughs. Rents will be frozen.

This ban on new increases will continue throughout 2004 and will be lifted only if unemployment in San Francisco falls below 5% for two consecutive months. If, when the new Rent Board takes office in January, 2005, unemployment is still 5% or higher, then the new Rent Board will have the authority to extend this cap for another year, so long as unemployment remains high.

Electing The Rent Board Like Other Cities Do

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The San Francisco Rent Board is governed by a 5 member Commission and this Commission has the authority to adopt Rules and Regulations (which have the authority of law) and maybe more importantly sets the tone for the mission and purpose of the Board. Over the years, the Rent Board has moved away from a mission of controlling rents and evictions to a mission of ensuring landlords get adequate return on their investment (i.e., plenty of rent increases).

For many years a back burner issue for the tenants movement has been restructuring the San Francisco Rent Board by changing how the Commissioners get appointed. The Rent Board Commission, 5 members all appointed by the Mayor, has long had a pro-landlord slant. Besides the fact that the Mayor has all the appointments (not good when there's a pro-landlord Mayor like Brown), one of the fundamental problems with the Board is it's makeup. The 5 member Commission consists of two landlords, one homeowner, and two tenants. In a city where tenants make up two-thirds of the people, tenants get just 40% of the seats on the Board which impacts us the most. Over 20 years, the homeowner has consistently sided with their fellow property-owning landlords leaving tenants on the short end of the vote far more often than not and almost always on the issues of importance. The role of the tenant Commissioners has become one of mitigating damage from harmful Commission decisions.

The make-up of the Commission has been problematic on two levels. First, all five Commissioners are appointed by the Mayor and serve at his pleasure. Since the last two mayors-Willie Brown and Frank Jordan-have been pro-landlord, the Commissioners these last 12 years have been well weighted towards landlords. Now with the prospects of anti-rent control Gavin Newsom possibly becoming Mayor, these appointments would get far worse if Newsom were to win.

Second is the structure. Tenants hold just 40% of the seats—a minority vote-while property owners hold a 60% majority. Unsurprisingly, the homeowner seat consistently sides with fellow property owning landlords against the tenants.

Additionally, this structure has created a bizarre situation where this one homeowner effectively runs the Rent Board and makes decisions affecting tenants' lives. This is because the 2 landlords tend to offset the 2 tenants (assuming the 2 tenants are actually tenant representatives, which is true right now; that's not always the case, though. One of Mayor Brown, like others before him, has appointed "tenants" who are anti-rent control). Whether it's an appeal of a Rent Board decision or a new regulation, the 2 landlords vote the landlord way, the 2 tenants vote the tenant way and then the homeowner gets to decide. It's a mockery which gives the impression that there's some sort of democracy happening when in fact it's just one person making monumental decisions. (It's not unlike a Judge telling the prosecuting and defense attorney that he wants the court verdict to be democratic so he'll let the two attorneys have a vote on the verdict, along with the judge.)

This one-person rule is bad process even if that one person was indeed neutral or objective. The problem is there is no neutrality or objectivity. Rather there's an alliance of class interests against tenants. It's not unlike a Corporation president, a Union Representative and a small business owner in charge of labor laws. This homeowner was likely never ever a tenant. Their family, friends and acquaintances are not tenants (and they know more landlords than they know tenants). Their home is not in a tenant neighborhood. Evictions and rent increases are theoretical abstractions. Unlike the rest of us, when evictions were epidemic they didn't have friends or neighbors being evicted. And when rents soared, the homeowner and their friends were busy taking advantage of lower interest rates to lower their own mortgage costs. So while tenants were experiencing soaring housing costs and constant fear of displacement, the homeowner rep was experiencing lower housing costs, feeling very secure in a home appreciating at a rate of 30% a year. Unsurprisingly, tenants have found little sympathy before the Board. On the other hand, the landlords receive much sympathy: the cost of a new paint job can be very much related to by the homeowner rep. But what can be especially related to is their shared property rights. The very concept of a regulatory body telling a property owner what he or she can do with their property is an anathema

to the homeowner Commissioner. That's especially bad since this person—not believing in the regulation of property—is the one running the city agency which has a mandate to regulate property.

Clearly, reform of the Rent Board had to do away with these categories and do away with giving the Mayor all the power. Giving Supervisors some say over appointments was discussed and discarded. Recent experience with giving Supervisors some say over Planning Commission and Board of Appeals appointments led to uninspiring changes in these two Boards, with many saying they're as bad as ever. Plus since the Rent Board has been landlord controlled for over twenty years, it was felt that dramatic change was needed and politicians were apt to make appointments reflecting the current system. And while we have a good Board of Supervisors now, that hasn't always been the case nor will it necessarily be that way in the future.

Elect The Rent Board!

Across the Bay, Berkeley elects its Rent Board. So does Santa Monica down south.

Unsurprisingly, the Berkeley Rent Board is a strong advocate for rent control and tenants rights, even hiring a Sacramento lobbyist to fight for state legislation on behalf of tenants. In 22 years, tenants have won ever election but one-recently, Berkeley landlords have given up even trying to fight for seats on the Rent Board there. The Berkeley Rent Board, for example, has a monthly newsletter with columns on tenants rights (such as "Four Steps Tenants Should Take When Repairs Are Needed" and even sometimes for landlords: "How To Sell or Acquire A Building Without Displacing Tenants"), it provides services like video taping of apartments to help tenants get security deposits returned and it recently sponsored a Tenant Poetry Slam.

And when the state Costa Hawkins Act was adopted, how Berkeley and San Francisco dealt with it is an excellent case in point on the differences between the two. The anti-tenant Costa Hawkins law largely contained a host of things which local rent control laws could not include, such as rent control on vacant units. But it offered many exceptions or things you could do. When the San Francisco Rent Board amended the rent law to conform with Costa Hawkins, it merely took everything Costa Hawkins said you could not do and added these to rent control while ignoring everything Costa Hawkins said you could do. Berkeley, though, did the opposite: it conformed it's law to Costa Hawkins by including everything you could do as well as the prohibitions.

Then Berkeley took it a step further: since Costa Hawkins said you could no longer limit rents on vacant units, Berkeley recognized that landlords getting market rents for vacant units should mean lower rent increases for tenants. In addressing capital improvement type rent increases, for example, Berkeley factors in the landlord's increased income from the market rate rental of vacant units. If, for example, a landlord wants to pass on \$10,000 in increased costs to tenants but received \$15,000 more income, then the passthrough would be disallowed. (Another contrast which shows how the two Boards look at things: San Francisco's rent law provides for a tenant's right to petition for lower rent based on the landlord's lower operating and maintenance costs but the Rent Board never developed regulations to implement that. It did develop regulations to implement the landlord raising rents to pay for increases in operating and maintenance costs).

Clearly the Berkeley model of electing the Rent Board ensures that those being regulated are not the regulators, Berkeley rent control works for tenants, as it was designed to. It hasn't become a rent increase mill like the San Francisco Rent Board has become. San Francisco, compared to Berkeley, looks like industry regulation as George Bush (I or II) or Ronald Reagan would envision it: let those being regulated do the regulating.

A New Rent Board

Electing the Rent Board, as opposed to more modest reform, will have another distinct impact in San Francisco. Following twenty years of landlord control, the San Francisco Rent Board is in need of a major overhauling—a change in mission, direction and culture.

Imagine a Rent Board which had as its vision and mission a goal of protecting tenants and preserving affordable rental housing. Such a Board would be an activist one, working for housing policies which met those goal. Like Berkeley, the San Francisco Board

would hire a Sacramento lobbyist to work on behalf of tenants and the Board would fight for the repeal of anti-rent control state laws like Costa Hawkins or the Ellis Act. And when the Planning Commission developed policies regarding demolitions and mergers of rental units, the Rent Board would take a position to ensure that Planning made sure tenants and affordable rental housing units were protected. And such a Board would hold neighborhood hearings on problems affecting tenants, identifying patterns and epidemics of evictions, and adopting regulations or recommending to the Supervisors legislation to stop evictions. Capital improvement and other rent increases—which are routinely rubber stamped-would be treated very differently. Tenant defenses to capital improvements would be strengthened and the new Board would block capital improvements being used to gentrify a building and would conduct "tenant impact" studies to see what effect proposed capital improvements would have on the displacement of tenants and the affordability of the rental units. New petitions would be developed by the Board, enabling tenants to petition for decreases in rent when landlords refinanced their mortgages to a lower rate or when mortgages were paid off or other operating costs went down. The Board would rewrite its Costa Hawkins implementation regulations so that San Francisco rent control was the strongest which Costa Hawkins will allow (rather than the "weakest" Costa Hawkins allows). Tenant petitions on wrongful evictions would be given the same weight (or higher!) than landlord petitions for rent increases and reports of bogus OMI or Ellis evictions would be diligently investigated and prosecuted. The new Board may propose a licensing system for landlords, ensuring that landlords know the laws and are capable of being a landlord. This licensing system could prescribe that landlords only use Rent Board approved rental agreements and require landlords to inform tenants of their rights. Then there's so many little things, like removing the extraordinary burden of proof which tenants face and giving tenants serious rent decreases for major habitability problems, rather than the token amounts tenants usually get. It would indeed be a new era.

The Proposal For Getting The Board Elected

The measure to elect the Rent Board is headed for the November 2003 ballot. Then the first election of Rent Board Commissioners would take place in November, 2004. The proposal calls for the election of seven Commissioners, all elected citywide. The categories of landlord, homeowner, tenant have been eliminated so there won't be any built in bias. Commissioners will serve 4 year terms and have term limits of two terms. In order to stagger the terms, four of the initial Commissioners will serve four year terms and the other three will serve two year terms.

Tenant groups will unify behind a slate of tenant candidates, trying to get all seven elected each election. It's imagined that landlords will not try to run a "landlord" slate of candidates who are openly pro-landlord and anti-tenant. Rather we expect that landlords will run a bogus slate of tenants, which the landlords will hide behind (at least until campaign contributions come out). The measure is being drafted to maximize campaign finance laws, with additional limits being explored, such as a ban on contributions to candidates by people who have or have had business before the Board (e.g., most of the big landlords with the deep pockets).

Even though the Rent Board is not a Charter Commission, and its election can be accomplished by an ordinance change, the measure may require some technical changes to the Charter's governance of elections (such as which "city officers: are on the ballot). These charter changes make it too difficult at this point to do the measure via signature petitions (it would require over 80,000 signatures to be collected in just a month or so). This the Supervisors are being asked to place the measure on the ballot.

Then soon we'll see a new day at the Rent Board!

TU Open House!
Sat, June 21
11 AM-4 PM
Workshops, Food, Music, Fun,
& Hall of Fame Ceremony

SF Housing Briefs

Senior, Disabled, Eviction Protections Threatened By Court Ruling

In another assault by biased judges against tenants, the 1998 prohibitions against the OMI evictions of long-term tenants who are senior, disabled or catastrophically ill was issued a setback by Sup. Court Judge David Garcia. In the 5 year old landlord lawsuit seeking the right to evict seniors, Garcia ruled in May that the 6 plaintiffs in the lawsuit could evict seniors and were also not bound by the restrictions on relative evictions or by the limit of one OMI per building. Garcia's final order has not come out yet. When it does, though, it's expected he will broaden the decision and say these the restrictions do not apply to any landlord (rather than just these 6). The City Attorney will appeal and while the case remains on appeal Prop G should remain in force.

Another Judge Says Landlords Can Threaten Tenants

In yet another assault on tenants, Sup. Court Judge James McBride ruled that some of the Daly amendments to the rent control law prohibiting landlords from evicting tenants using eviction threats and bluffs are illegal. In particular, McBride said landlords could tell tenants that an Ellis or OMI eviction was forthcoming. Landlords have increasingly used such bluffs in order to get tenants to move without then having to actually move into the apartment or remove the rental units from the rental market. However, McBride upheld the provision which stipulates that if tenants move pursuant to one of these bluffs. The requirements of the just cause must still be met (e.g., the landlord must still move in and the units can only be rented at the rent the evicted tenant was paying).

More troubling, McBride also struck down the requirement that tenants can only waive their rights when represented by an impartial attorney at a judicially supervised settlement conference. This requirement was meant to address the fact that many tenants are waiving their rights thinking that such waivers would be unenforceable (when, in fact, courts are ruling they are enforceable). When tenants waive their rights, then landlords are free not to move in or rent units only for restricted amounts and will then re-rent at market rents. Indicative of how out of control judges are, McBride also tossed out the prohibition on landlords getting tenants to sign agreements that the evicted tenants will not cooperate with law enforcement agencies.

The city is deciding whether or not to appeal and probably will appeal the second item and try to deal with the first through legislative amendments.

Gonzalez Rent Control Amendments Moving Ahead

Hundreds of landlords came out to oppose a number of mainly-technical amendments to the rent control law proposed by Sup. Matt Gonzalez. The amendments mostly bring the rent law into compliance with court decisions or codify existing practices. Others deal with updating relocation benefits, updating residential hotel definitions and equalizing statute of limitations for tenants and landlords.

Gonzalez will be moving the 12 or so items separately and initially he will move the items which

- Forbid rent increases or evictions for spouses or domestic partners

- Give tenants in SRO hotel rooms rent control immediately

- Prohibit evictions from storage areas, laundries, yards and parking spaces.

These three items are expected to go back to the Land Use Committee sometime in June.

Tenants Hall of Fame, Other Events At 2003 Tenants Union Open House

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civil rights with groups such as the National Lawyers Guild and know for her work in non-traditional family law. Amidst all this she's also found time to help out groups like Homes Not Jails and makes sure that students of her Real Property law class learn about squatting!

Scott Weaver

In 1979 Scott Weaver was an integral part of the campaign to adopt a rent control law in San Francisco. In 2002, Scott Weaver was an integral part of the campaign against Prop R, the condominium conversion and rent control repeal measure. Those 2 simple facts demonstrate how long and how active Scott has been (in fact, his tenant advocacy pre-dates 1979). Scott is a tenant attorney with the law office of Wartelle and Weaver (formerly West Bay Law Collective) and Scott and his law office have been keystone in the tenants rights movement from day one, not just fighting (very successfully) for the rights of individual tenants but also supporting the tenants movement and tenant organizations. In its poorer days, the Tenants Union copy machine was at the Westbay Law Collective, which also employed many TU volunteers and future tenant attorneys. When tenant groups needed an attorney to intervene in the landlord lawsuit against Prop H (capital improvements), it was Scott's law firm people turned to. Over the years, many tenant activists have come and gone, putting in heroically long stints and never losing energy. Scott has put in an heroically long stint and never lost energy and is still here, as is evidence by his work on the No-on-R campaign, where he did everything—from campaign strategy to media work to public speaking. But the most astounding testament to his dedication and energy was that besides doing all that, after 30 years as a tenant activist he was walking precincts every weekend!

Open House Events

Besides the Hall of Fame ceremony (which will take place at 3 PM), the June 21 Open House will have a host of other activities and events. For those of you who haven't been to our offices, the Tenants Union is located in an old Victorian at 558 Capp Street and we'll transform our offices into the living and dining rooms they were once upon a time, and we'll utilize our little back yard and driveway for the day's events.

Food and Drink

Food and drink is always one of the best bargains for the Open House with an all-you-can-eat-barbecue (both veggie and non-veggie) for just \$5 and beer, wine, soda, juice, coffee, etc. for \$1 each (plus each paid-up member gets a free drink ticket!). Plus there's be plenty of salads and snacks and no one will go hungry at all. Music

Our musical arrangements have not been finalized as of press time, but rest assured we'll have some excellent live acoustic music (maybe jazz, maybe folk) to entertain everyone between other events and as we all eat and mingle.

Humongous Yard Sale

Throughout the day we'll also have a hug yard sale set up in our driveway. We always have lots and lots of wonderful stuff from clothing to houseware to furniture to office stuff. You're sure to pick up lots of bargains. But even better: the yard sale is a great way for you to do some spring cleaning and help out the Tenants Union. If you have stuff you've been thinking of selling

or getting rid of or donating, you can help make our yard sale even better by donating your stuff to the TU. If you want to help out, give us a call at 282-6622 or e mail yardsale@sftu.org and we'll arrange to pick it up if you can't get it here. Or you can just drop it off at the Tenants Union during any of the many hours we're open (again call 282-6622 for hours).

Workshops

Since people at the Tenants Union find it difficult to just have fun, we're also setting up workshops on issues of concern to tenants. These will be staggered throughout the day so that people can attend all the workshops and still have time to eat and drink and have fun. The workshops will be:

Mold and Mildew

There's been a growing awareness of health and habitability problems associated with mold and mildew. In San Francisco, with its foggy and moist climate, it's a particular problem. Not long ago, tenants trying to get mold problems dealt with were scoffed at but now it's seen as a serious and growing problem. This workshop will focus on what the

hazards are and what tenants can do to get mold problems dealt with.

Representing Yourself In Court

Many tenants are forced to go to court "pro per" representing themselves (i.e., without an attorney) against evictions or as the plaintiff in lawsuits against their landlords (maybe for a security deposit or maybe for serious habitability problem). It's a daunting task and the conservative courts and judges don't make it easy on pro-pers. This workshop will give you advice and tips on how you can best represent yourself, whether you are suing or being sued or are before the Rent Board. There may also be discussion of what the courts could do to make life easier for tenants without attorneys.

Electing The Rent Board And More

This November there will be a ballot measure to Elect The Rent Board, in an attempt to wrestle control of the Rent Board from landlords. Find out about this ballot measure and what you can do to get involved with it. Also, this November is a Mayoral election year—there's some pro-tenant candidates and some pro-landlord candidates. Find out who's who and what this election will mean for tenants. Other current issues will also be discussed, including the Gonzalez rent control amendments and the recent court decision overturning much of the 1998 Prop G eviction protections for renters who are senior, disabled or terminally ill.

Give Us Your Stuff For The SFTU Yard Sale!

Do you have items around your house which are too good to throw away but which you have no use for? GIVE THEM TO US FOR OUR YARD SALE We'll take your furniture, clothes, books, appliances, electronics, etc. for our yard sale Do your spring cleaning and help out the TU! Call 282-6622

SF Tenants Union
Open House
Saturday, June 21, 11-4
Workshops
Mold & Mildew-12 Noon
Representing Yourself-1 PM
Issues In 2003-2 PM
Hall of Fame
Induction Ceremony-3 PM
Food & Drink
All Day
Yard Sale
All Day

I WANT TO JOIN THE SFTU!

NAME: _____
 ADDRESS _____ ZIP: _____ DISTRICT: _____
 PHONE: (H) _____ (W) _____ E-MAIL: _____
 LANDLORD'S NAME: _____ DATE MOVED IN: _____
 # OF UNITS IN BLDG: _____ # OF BEDROOMS IN UNIT: _____ CURRENT RENT: _____
1 YEAR: \$55 HOUSEHOLD \$40 REGULAR \$75 SUSTAINER \$25 LOW INCOME
2 YEARS: \$100 HOUSEHOLD \$75 REGULAR \$140 SUSTAINER \$45 LOW INCOME

MAIL WITH YOUR CHECK TO: SFTU, 558 CAPP ST., SF, CA, 94110

WE WILL MAIL BACK YOUR HANDBOOK AND THE MEMBER PHONE NUMBER

Tenants Union 2003 Member Survey

As of the 2000 Census, two-thirds of San Francisco's housing stock was occupied by renters. As you can see in Figure 1, tenants are not evenly distributed throughout San Francisco. The darker colors show higher concentrations of tenants which, for the most part, are in the northeast quarter of the city. What seems to be two exceptions are: the Presidio in the north, and the zoo, Lake Merced, San Francisco State, three golf courses



and Parkmerced in the southwest corner. Both of these large areas have relatively low population density (with the exception of Parkmerced) and few homeowners.

Why did we do this survey?

Our membership survey is done periodically so that we can make sure the SFTU takes its lead from its members. We sent out surveys with the last issue of *Tenant Times* and also emailed them to our members. Thank you to those 150 who returned the surveys to us. Considering we have 2,500 members in a city of 441,692 tenants, this is a small sample, so we have compared our results with 2000 Census data and results from the San Francisco Tenant Survey, which was commissioned by the Rent Board and conducted by Bay Area Economics (BAE) in August 2002.

Demographics of SFTU membership

Generally, SFTU members have lived here a long time. Seventy-seven percent of respondents have lived in San Francisco for nine years or more. Almost half of respondents have lived in the same unit for nine years or more. Those in our sample have lived here quite a bit longer than the citywide average: only 39% of tenants citywide have lived in the same place for that long.

SFTU members? Average household size was 1.84 persons compared with the census average of 2.06 and the BAE study average of 2.24. The authors of the BAE study make the point that this relatively small renter household size (California's average is 2.79) is partly due to what housing is available. In San Francisco, 76% of all housing units have two bedrooms or less. This fact should be considered when looking at the number of households with children. Almost all (93%) of respondents reported no children lived with them compared with 82% of respondents in the BAE study. The 2000 Census reports that 85% of San Francisco's population is over 18 years old. So not only is the city becoming less and less affordable to people with children, there are few places for them to live.

In our survey, 22% of respondents and 14% of BAE survey respondents lived in a household with at least one senior, while 14% of the total population of San Francisco are seniors. More than likely, our proportion is higher because we used age 60 rather than 65.

Likewise, the percentage of persons with a disability was also quite similar across the three sets of data. In our survey, 21% of respondents themselves have a disability or lived with someone with a disability. In San Francisco as a whole, 20% of residents over the age of 5 have a disability and in the BAE survey the proportion was 17%.

Respondents median rent was \$932 which is slightly more than the 2000 Census median of \$883. BAE

Figure 2: Percent of income spent on rent

	SFTU	Census	BAE
LESS THAN 20%	6%	38%	26%
20-29%	30%	25%	27%
30% AND MORE	64%	37%	47%

reported median rent of \$1078. Possible reasons that the SFTU and BAE numbers are higher could be that the surveys were done a few years later and rents have continued to increase. SFTU members rent is lower than the BAE numbers but we must take into consideration that SFTU members have generally lived in their units longer. Fifty-nine percent of respondents have

lived in their unit seven years or more; 34% have lived in their unit 12 years or more. Nearly half of BAE respondents lived in their units seven years or more and a quarter have lived in their units 12 years or more.

Voting behavior

As in the U.S. as a whole, there is a lot of voter apathy here in San Francisco. However, 95% of respondents are registered to vote and 91% voted in the November 2002 election. Though so many respondents voted, it is interesting that only 57% knew what supervisorial district they lived in or who their supervisor was.

Building conditions

Tenants were split on rating the conditions of their buildings. Given the choices: excellent, good, fair, or poor, eight out of ten respondents were right in the middle; 38% percent said "good" and 38% said "fair". Fifteen percent said "poor" and only 9% said "excellent". Only 7% (10 people) reported that there is an active tenants organization in their building.

What brings people to the SFTU?

Most (78%) respondents joined the SFTU to get counseling. Many tenants feel they need support because of San Francisco's cutthroat rental environment in which tenants are often threatened with landlord harassment or eviction. More than half (55%) of our members learned about the SFTU through friends, which points to a great strength of how the SFTU works: empowering tenants to help themselves and to share what they have learned.

Another concrete benefit of SFTU membership is our *Tenants Rights Handbook*, which 92% of respondents have used. Almost everybody found the handbook clear and helpful in addressing common problems. As the laws affecting tenants often change, so does the handbook; we are currently working on the 8th edition, which will be out sometime this fall!

The SFTU also publishes the *Tenant Times*, which most members found to be informative on local issues affecting tenants and useful for updating tenants about the ever-changing laws. One thing that tenants wanted to see more of in the *Tenant Times* is "how-to" articles. We definitely encourage people to submit articles. This is a good way for members to get involved in the SFTU. It can be something as simple as writing about steps that you took and tips that you learned while dealing with a city department such as the Rent Board or the Depart-

Figure 3: Tenant concerns

	Very Serious	Serious	Not a problem	Not at all serious
"RENT IS TOO HIGH AND UNAFFORDABLE"	18%	23%	28%	31%
"NO-FAULT EVICTION FEAR"	26%	30%	23%	20%
"YEARLY INCREASES TOO HIGH"	7%	24%	25%	43%
"WANT TO BUY BUT CAN'T AFFORD IT"	59%	16%	7%	18%
"RENTS ON VACANT APARTMENTS TOO HIGH"	69%	22%	6%	3%

ment of Public Health.

Concerns and proposals

We asked tenants to rate the following concerns listed in Figure 3. At the top of the list was that rent on vacant units is too high. Though there are more vacancies now than two years ago, rents are still way too high! The other main concern was that tenants would like to buy a home but cannot afford it. These issues contrast with results from our 1997 survey, when tenants were most fearful of being evicted. The pace of evictions has slowed since the bubble economy popped, but rents have not come back down and home prices are still outrageously unaffordable.

We then asked tenants to show their level of support for the proposals listed in Figure 4. The most popular of these are also the most intuitive. The most support went for the proposal to ban evictions for senior, disabled or catastrophically-ill tenants. This idea is just basic, humane social policy. Also very popular was the proposal to require landlords to keep security deposits in escrow or trust accounts. This would help ensure that tenants get their security deposits back when they move out. The right to add room-

Figure 4: Proposals

	Strongly support	Support	Oppose	Not sure
10% RENT ROLLBACK	59%	25%	11%	5%
PROHIBIT INCREASES OVER 33% OF INC	65%	22%	7%	6%
PROHIBIT INCREASES IF UNEMPLOY >5%	56%	25%	14%	5%
APPLY 10% OF RENT TO EQUITY	48%	31%	9%	12%
IMPOSE AN EXCESS RENTS TAX	48%	27%	9%	15%
VACANCY RENT CONTROL	66%	21%	7%	6%
REQUIRE LANDLORD LICENSURE	61%	25%	7%	7%
RESTRICT DEMOLITION/MERGER EVICTS	61%	29%	10%	0%
EXPAND RIGHT TO ADD ROOMMATES	63%	28%	5%	5%
BAN ALL SENIOR ET AL EVICTIONS	75%	15%	8%	2%
BAN EVICTIONS IN GENTRIFYING AREAS	43%	35%	14%	8%
LLS TO KEEP SEC DEPS IN ESCROW ACCTS	76%	17%	6%	1%
REDUCE RENT FOR MINOR PROBLEMS	63%	30%	7%	0%

mates also has a great deal of support, and Board of Supervisors President Matt Gonzalez and others are now working to incorporate this into the existing rent ordinance. Another popular idea was to make rent reductions for minor repairs automatic, thus avoiding the current hassle involved in getting a small repair done.

Feelings about the Rent Board

Forty percent of respondents have gone to the Rent Board for either a tenant or a landlord petition. Of the landlord petitions that tenants were faced with, most were for capital improvement pass-thrus that were decided in the landlord's favor. There have been repeated attempts to curb the ability of landlords to make tenants pay for improvements that add to landlords' future profits. Although there have been changes to the way that landlords can pass on these costs, tenants still eventually pay 100% of them.

Tenant perceptions of how the Rent Board staff treated tenants and landlords were mixed. More than half (57%) of respondents who had gone to the Rent Board found that staff was fair to both sides, yet 31% felt that staff was biased toward landlords. It is important to keep in mind the big picture: the Rent Board is "impartially" enforcing laws that are unfairly biased toward property owners.

All of those (112) who responded to the question agreed that the Rent Board's goal should be "protecting tenants against rent increases and evictions". However, many respondents were unsure whether the Rent Board actually has this goal.

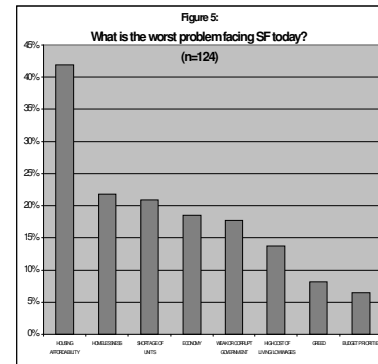
The "worst problem" and the "principal cause"

In response to these two fill-in-the-blank questions, many of the same answers were given, but in different proportions. Most remarkable was how often the word "greed" came up in response to both questions.

The first question, "what is the worst problem facing San Francisco today?" elicited varying responses, many of them having to do with housing (or the lack thereof). The majority (42%) of respondents named housing affordability as the worst problem facing San Francisco.

While most people said the worst problem was housing affordability, most thought that the cause

of the housing crisis was a moral problem: greed. Forty-three percent of respondents said "greed", although a few qualified it with landlord- or real estate speculator-greed.



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