

12/1  
TO THE ENTIRE BOARD OF SUPERVISORS

76 98-1158

I am writing to you about the "Ellis act" which I believe has a very serious loop hole that very much favors the landlords if they violate the rules.

I cite as an example a 5 unit building on Russian Hill that is being taken off the rental market by the landlord (Ming Koo) who owns approximately 56 units in San Francisco, the average rent is about \$500.00 for each unit and all of the tenants have lived in the 5 unit building for over 20 years.

Under the Ellis act if the landlord violates the law and goes back into business without notifying the tenant that has been evicted, the landlord could be fined up to six months of that tenants rent, which would be \$3000.00

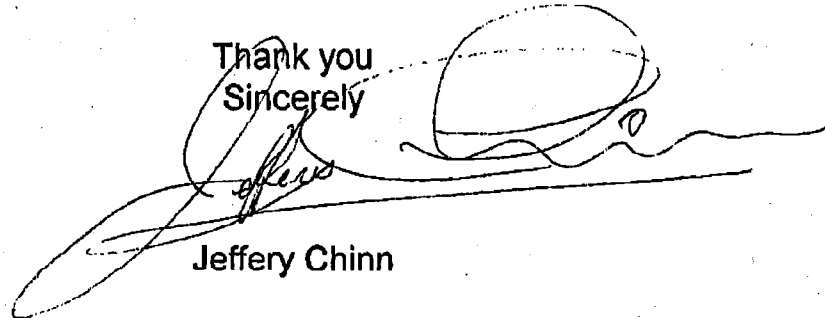
At the current rental market, the landlord could rent each unit "as is" in his 5 unit building on Russian Hill for \$3000.00 a month.

**In short toss the tenant out slap a coat of paint on the place and get six months rent in one**

I hope you will keep this in mind when issues of landlords, tenants, and evictions come before you.

If you would like to reply I can be reached at phone / fax 362-2053 and po.box 330041 San Francisco 94133

Thank you  
Sincerely



Jeffery Chinn

(38)

File 98-1158

ALL BOARD MEMBERS!

September 18, 1998

Dear Supervisors:

Congratulations! You have done it again. A new low. You have passed OMI legislation, the retroactive provision of which is manifestly unconstitutional at worst and a legal nightmare at best. At least it will cost none of you who voted on it any money as you are not income property owners. That is not to say it will be free to us taxpayers who will foot the bill for the resulting lawsuits.

You do not care about the chaos you have created, about the 3 families who have managed to buy, for example, a 3 unit building and moved in, but are now in violation of the law.

You do not care about the American dream of owning one's own home. In particular, you do not care about people of modest income who wish to own their own home but can only afford to share a building with others like themselves.

You do not care about the tenants who have not been granted protected status by you and will pay higher rents as a result of your legislation.

You do not care about owners rights. Apparently, we are filthy capitalists who deserve no rights.

You do not care about fairness or justice or equality under the law for anyone who has worked and acquired anything.

Billy Allen  
FAX 563-2479

(25)

**Date:** 9/15/1998  
**Sender:** Brian Glaser <brian@narrowline.com>  
**To:** Board of Supervisors  
**Priority:** Normal  
**Subject:** Loophole in Rent Control

---

Dear Board:

Following is a copy of an email that I just sent to Barbara Kaufman, who's address I ran across first. Please give this your attention.

> Dear Ms. Kaufman:  
>  
> I'm writing because I find myself in a situation that hardly seems to fit  
the  
> intent of San Francisco's rent control ordinance, namely that as a sub-  
tenant  
> in a rent controlled apartment, I am paying more than 80% of the total rent  
to  
> my "roommate," while he pays less than 20% and claims all rights over the  
> unit. This man does not work, and has made no effort in three months to  
find  
> work. He simply lives off of a loophole in the system that allows him to  
> capitalize upon a rental unit owned by someone else.  
>  
> I understand that it would not be legal for him to sublet the entire  
apartment  
> for more than he is actually paying to the landlord, but there is presently  
no  
> provision governing the amount for which he is able to sublet portions of  
the  
> apartment (e.g., my room), so long as that amount does not exceed the total  
> rent being paid to the landlord.  
>  
> This is unjust, and I respectfully request that you and the Board of  
> Supervisors take action to prevent other individuals from falling victim to  
> this practice. Why should any renter who enjoys the protection of the law  
be  
> allowed, in effect, to violate that law when acting as landlord to another  
> tenant, as well as to profit off of a unit by a means that is denied to the  
> owner of that unit? It seems that The City has inadvertently sanctioned a  
> double standard.  
>  
> Please let me know of any recourse that I might persue, although I've  
already  
> begun to search for a better situation. It's ugly out there, and getting  
worse.  
>  
> I await your response and beg you to take action.  
>  
> Sincerely,  
>  
> Brian Glaser

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Brian Glaser  
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mailto:brian@narrowline.com

9/21

@: Mbrs Bd/Kone

# GRAY PANTHERS

## OF SAN FRANCISCO

1182 Market Street, Room 203  
San Francisco, CA 94102  
Telephone: (415) 552-8800

September 8, 1998

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
98 SEP 10 PM 4:04  
BY \_\_\_\_\_

S.F. Board of Supervisors  
City Hall  
San Francisco, CA

Dear Members:

Re: OMI Reform Legislation - File No. 000-98-1158  
8/20/98 Amendment of Chapter 37 of the San  
Francisco Administrative Code

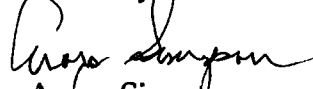
The Gray Panthers of San Francisco supports this legislation. This amendment's restrictions on owner move-in evictions are necessary to curb abuses that have resulted in monthly OMI evictions increasing approximately 200% since March 1995.

This increase in evictions and its disproportionate effect on long-term tenants, especially the elderly, is a social disaster and is not acceptable.

We hope that additional legislation will be devised soon that will restrict profit-driven evictions of all San Francisco residents.

But meanwhile, we urge your yes vote on this legislation when it comes before the Board for your consideration.

Sincerely,

  
Aroza Simpson  
Convenor



**Date:** 9/11/1998  
**Sender:** "Sean O'Neal" <guardeon@ix.netcom.com>  
**To:** DaMayor  
**cc:** Board of Supervisors  
**Priority:** Normal  
**Subject:** Sue Bierman OMI Eviction legislation & Prop. G.

---

Greetings Major Brown,

I have been a resident of S.F. for 15 years. After living in cockroach infested apartments for a number of years, in 1991 I finally found a decent flat to live in. Unfortunately, I'm now very likely facing an owner move in (OMI) eviction from the very place I have called home since 1991. I don't consider an OMI eviction an inconvenience - it's a disaster not only because I work out of my home but also because there is virtually no vacancies in S.F., and those few that remain are absurdly priced.

In addition to the high probability of my eviction, I have had to undergo one of the most upsetting and stressful experiences of my life - unrelenting visits by real estate brokers and prospective buyers (speculators?) of my flat. On some days up to 35 people have toured my flat and the other 2 units of our building. My carpets and walls have been dirtied. An individual with a video camera filmed my apartment. Closets have been opened. The woman downstairs had the lock on her front doort broken as well as another door left open violating her security. My neighbors (who were obviously not serious buyers) got a chance to peek into my privacy. This has been an absolute nightmare.

We asked the real estate company, Vanguard Properties, to limit their access to one day week - this was denied without hesitation. What has happened to the concept of civil rights and privacy here in the U.S.?

I can tell you - only property owners have these rights in a country which has become nothing more than a plutocracy. There are some areas the free market should not be allowed to operate unfettered - an individuals right to privacy and housing should be a candidate for such exceptions.

As leaders of this city, the question that you must grapple with is this - does San Francisco want to become the Aspen, Colorado of Northern California where only the wealthy can afford to live and where no diversity of culture can exist? If middle income individuals like myself have to move out of San Francisco, where are you going to find the lower middle class workers to wait the tables, clean the streets, drive the buses and so on. If you expect these workers to commute to San Francisco, just get into your car and drive over the Bay Bridge or take Bart during rush hour - you will see no one in their right mind is going to do this if they can work somewhere else.

And work somewhere else they will...because commuting is only going to get less efficient and more expensive in the upcoming years.

Allowing OMI evictions and absurd rent increases is cutting your nose off to spite your face. The city is going to be damaged both culturally and economically in the long run. The real estate and property management mafia will argue it's in the best interest of the city to have high rents and few rentals - but ask the owners of restaurants, entertainment establishments and retail shops - they have a different opinion because every dollar that is spent on rent is one less dollar spent on consumer spending. And don't forget, the bubble economy we live in today can burst tomorrow - leaving nothing but bankruptcy and overpriced housing. Needless to say, the current economic down trends of the last couple of months should raise eyebrows.

I have made up my mind that if i'm evicted from an owner move In, I'm

going to leave the country and renounce my U.S. citizenship citing specifically this eviction. There is no way I'm going to continue to pay taxes to a nation where people's basic rights to privacy and housing are not protected. And the country is not going to gain from my immigration because i'm an information technology worker that the country cann ill afford to lose - and a very good one at that.

I hope that both Sue Bierman's OMI Eviction legislation and Prop. G are approved and strengthened. Unfortunately, it appears that neither law will prevent my eviction because of the limited protection (proposed 50% building ownership). I would be most happy to testify before the board of supervisors and state my case and take any questions you may have. Thank you for your time and consideration.

P.S.: Please don't sell out S.F. and accept bribes from the Real Estate mafia - they could care less about the citizens of S.F or the future of the city.

Sean O'Neal  
212A Steiner Street  
San Francisco, CA 94117  
415-863-7889

9/11/98

Thank You for this opportunity to express my opinion on this situation

My Name is John R Manley and I've been a resident of SF for 13 yrs.

This legislation fails to solve the problem of affordable housing for our elderly and disabled. The City needs to work with Private citizens to create more housing and use the existing housing it already has. How do we solve or slow down the elderly eviction problem? By Reverse Seniority. If you have been there the longest, your the last to go. This allows the owner to live in the property that they own and keeps our elderly & disabled in another unit in the same building at their current rent. This also means that the owner won't prosper from this move in eviction. Limiting the number of OMI evictions to "one per the life of the building" is not only against the fundamental concept of ownership--- it will drastically effect the owners ability to sell the building. Occupancy is a basic right of ownership. There are solutions to our housing problems and I ask the board of supervisors & Mayor W. Brown to work with tenant & landlord groups along with private citizens to solve these problems. This legislation will only alienate the two parties at a time when we need to move closer together. Lets create legislation that will have a real impact and is a WIN-WIN situation for both sides. I feel that the voters should decide legislation like this and not the Board of Supervisor in an election year. I will volunteer my time and resources on this project.

I Thank You for this opportunity.

**GOLDEN GATE MORTGAGE, INC.**  
*A Licensed California Brokerage*



**JOHN R. MANLEY**  
*Loan Consultant*

850 Presidio Ave. Suite A, San Francisco, CA 94115  
P.O. Box 750609, Petaluma, CA 94975-0609  
Office (415) 776-9924 Fax (415) 776-9930  
Corp. (707) 778-7334

9/14

*c: ea Sup/done*

File 98-1158



**Greater San Francisco Association of REALTORS®**

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301 Grove Street  
San Francisco, CA 94102-4497  
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Facsimile (415) 553-3968

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
98 AUG 21 AM 8:37

BY \_\_\_\_\_

August 20, 1998

Supervisor Mark Leno  
Board of Supervisors  
City and County of San Francisco  
Room 308, 401 Van Ness Avenue  
San Francisco, California 94102

Supervisor Jose Medina  
Board of Supervisors  
City and County of San Francisco  
Room 308, 401 Van Ness Avenue  
San Francisco, California 94102

Supervisor Leland Yee  
Board of Supervisors  
City and County of San Francisco  
Room 308, 401 Van Ness Avenue  
San Francisco, California 94102

Dear Supervisors Leno, Medina and Yee:

The proposed ordinance amends the city's rent control law by requiring, among other things, any owner who wishes to recover possession of a rental unit for his or her occupancy in a building he or she owns to have at least a 50 percent ownership interest in the property. It also would make permanent the protections from owner move-in evictions which are part of a temporary moratorium enacted by this Board last June.

By increasing the percentage of ownership interest required to recover possession of a rental unit, the amendments, if they are passed by the Board and signed into law by the mayor, will choke off one of the last remaining means by which renters can become property owners—that is, through tenancies in common.

A tenancy in common is a form of ownership in which each of several purchasers owns an undivided interest in a building and then, by agreement, takes possession of one of the units. Usually, a tenancy in common is formed by several renters residing in a property along with one or two friends or relatives also interested in residing in the property—as owners, not renters. Most tenancies in common involve smaller properties of two to four units.

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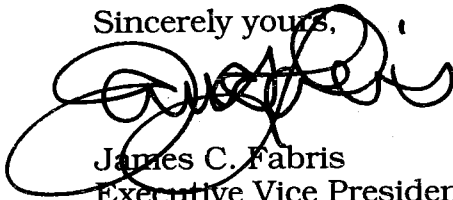


Supervisor Mark Leno  
Supervisor Jose Medina  
Supervisor Leland Yee  
August 20, 1998  
Page 2

If the amendments increasing the percentage of ownership required to recover possession of a unit become law, tenants in common will be virtually eliminated as an affordable housing opportunity. And, by making the amendments retroactive to July 1, 1997, those who purchased property in reliance on their ability to form a tenancy in common—if they have not already done so—will be exposed to enormous hardship.

Only four days ago a temporary moratorium against owner move-in evictions involving certain classes of tenants went into effect. This Board imposed the moratorium which also provides for the appointment of a citizens group to make recommendations to the Board concerning permanent controls. This group has been appointed and is meeting. Shouldn't it be allowed to submit its recommendations to you before you legislate further in this area? We think so and we hope you agree.

Sincerely yours,



James C. Fabris  
Executive Vice President

cc: Supervisor Tom Ammiano  
Supervisor Sue Bierman  
Supervisor Amos Brown  
Supervisor Leslie Katz  
Supervisor Barbara Kaufman  
Supervisor Gavin Newsom  
Supervisor Mabel Teng  
Supervisor Michael Yaki

Mayor Willie Brown

File 98-1158

**Date:** 8/25/1998  
**Sender:** "Annette Gaudino" <annetteg@eventus.com>  
**To:** Board of Supervisors  
**Priority:** Normal  
**Subject:** END OMI EVICTIONS - ELIMINATE VACANCY EXCEPTION TO RENT CONT

---

Dear Board of Supervisors,

I am writing to express my strong opposition to one of the clauses of the current owner move-in reform ordinance before the Board. While I strongly support the ammendments requiring occupancy within 3 months of eviction, continuously for 3 years, I object to the change requiring at least 50% ownership share in order to move-in.

I am one of a 3 person partnership in the process of purchasing a home as a primary residence for ourselves. We are three friends who alone could not qualify for a loan for a single-family dwelling. By joining together, we are able to make a dream come true for ourselves, as well as create the kind of community we hope to live in for the rest of our lives. By amending Chapter 37 to require 50% ownership you are killing that dream. The other provisions of the ordinance are enough to slow the fake owner move-in evictions that are epidemic in this city. This arbitrary change only punishes those of us who cannot afford single or two families homes.

Right now, buying a home is the best way for me to insure that I can control my housing costs in the long run. If a punitive law such as this prevents me from doing what is in my best interest, then perhaps I am better of returning to New York City, a currently more affordable, liveable city than San Francisco. The city should not be left to the rich, but what about the middle-class?

I also wish to point out that the real, long term solution to this problem (along with the creation of more affordable housing) is to ELIMINATE THE VACANCY EXCEPTION TO RENT CONTROL. Right now, this is \*the\* loophole that every investor is trying to jump through in order to maximize their profits. We are not investors, we just want a home. If you truly want to stop for-profit owner move-in evictions, leave tenancy in common alone and expand rent control. Again, I'd like to say that I support the increase in the continuous occupancy clause to 3 years.

I am currently a rentor and the single best thing the Board could do to improve my situation as both a rentor and a potential home owner is to eliminate the vacancy exception to rent control. I will be watching how the Board votes on this vital issue.

Sincerely,

Annette Gaudino  
554 Capp Street  
San Francisco, CA 94110

**Date:** 8/20/1998  
**Sender:** "Annette Gaudino" <annetteg@eventus.com>  
**To:** Board of Supervisors  
**Priority:** Normal  
**Subject:** DONT' BLAME TENANCY IN COMMON FOR THE RISE IN OWNER MOVE-INS

---

Dear Board of Supervisors,

I am writing you to express my concerns about resolutions that may come before the board attempting to deal with the increase in owner move-in evictions in San Francisco. I am a renter that is currently in the process of purchasing a building as part of a tenancy in common agreement. The \*only\* way I could afford to buy a home in San Francisco is through a tenancy in common. By combining our incomes, my 2 partners and I are making a dream come true for all of us, as well as creating a community we expect to live in for the rest of our lives.

In fact, buying a home is probably the best way for me to insure that I can afford to stay in San Francisco in the long run. My rent was just raised \$32.50 to \$682.50 for a small one bedroom. Believe me, I know first hand what renters are experiencing in this city. I also know first hand what mortgage costs are in this inflated market, and I know landlords are making a killing off the demand to live in San Francisco. Frankly, owners who bought their homes in lower-valued markets of the 70s and 80s, and who have seen no increase in the mortgage costs (and may have re-financed, thereby cutting their costs) are raising rents to the maximum allowed as often as they can.

My friends and I are not those landlords. We can't afford single family homes anywhere in the Bay Area. We are three friends who came together to buy a home. Please keep this in mind when you consider any resolution that would not allow tenancy in common owner move ins. I support closing loopholes for "fake" owner move ins, such as agreeing to take the property off the rental market forever. I also strongly support rent control and voted No on E. But by singling out tenancy in common agreements, you are targeting some of the lowest income potential homeowners. People like me who can't afford to buy any other way but with the help of some friends.

Thank you for your consideration on this matter. I will be watching how the Board acts on this issue.

Annette Gaudino  
554 Capp Street  
San Francisco, CA 94110

File 98-1158

Date: 8/24/1998  
Sender: Lisa Roth <grafix@sirius.com>  
To: Board of Supervisors  
Priority: Normal  
Subject: Resolution 98-1158

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Dear Supervisors:

I am writing to protest the passage of Resolution 98-1158, as it is currently written--in particular the section that reads:

"Section 37.9(a)(8) governing evictions for owner or owner-relative move-in ("OMI") S to require a 50 percent or greater ownership interest in order to evict under OMI as to owners acquiring rental property after July 1, 1997 S"

While I am confident you have the best interest of renters at heart I am certain that you will end up creating a nightmare for owners and renters alike.

What will happen to renters when the big landlord lobby passes a statewide initiative ending all rent control? Everyone, including the Tenant's Union, believes that this is in the offing in the very near future.

Resolution 98-1158 as it is currently written will create a situation where renters (such as myself) will be faced with skyrocketing rents and yet we will be prevented from buying unless we can afford a 50% ownership in a TIC situation.

Resolution 98-1158 will prevent buyers who might wish to purchase rental units as an investment from doing so unless the units are already generating enough rent to cover all their expenses. This will lower property values for people who currently own such buildings by limiting potential buyers to only the very wealthy.

Most TIC buyers are not wealthy real estate speculators. They are just working folks who could not buy in San Francisco unless they pooled their resources with others. While it may be true that owner-move-ins as a result of TICs have tripled in the last three years, it is also true that all the units those former renters lived in became vacant, and all those former renters are now out of the rental market--seems like a wash to me. If anything this underscores the futility of "vacancy decontrol" as a method for maintaining affordable housing.

Resolution 98-1158 will create chaos if the effective date remains July 1, 1997. Do you intend to make all the TIC owners with less than 50% interest who have evicted tenants and moved into their flats vacate those units so that the old tenants can move back in? When you have transformed the owners into renters who will be facing the same tough rental market as everyone else, except they will also be paying a mortgage-- how many foreclosures will this generate? How will this behoove anyone?

I fully support the other elements of Resolution 98-1158, as well as laws currently in effect to protect the elderly and disabled, as I believe they will actually help protect tenants from ILLEGAL owner move-ins, but the 50% ownership rule will really only have a negative effect on working and middle class people who are trying to buy as a response to the ever-increasing cost of living in this city--and ultimately on renters as well.

Thank you for your consideration.

Sincerely,

Lisa Roth  
4316 19th Street  
San Francisco, CA 94114

**Date:** 9/7/1998  
**Sender:** LEGG4@aol.com  
**To:** Board of Supervisors  
**Priority:** Normal  
**Subject:** (no subject)

---

I am writing to let you know that I am opposed to the amendment of the San Francisco Rent Control Ordinance to restrict owner move-ins. My family has been trying to buy a house in San Francisco for months. The only affordable housing for us is multi-unit property. The proposed legislation would prevent us from taking enough space for us to live in. This new law hurts property owners and potential buyers at the expense of renters.

I supported the San Francisco Rent Control ordinance as necessary and appropriate until it began to be amended. Now, it favors renters. Middle income residents, like me, are being squeezed out. If you do not balance our needs as well, San Francisco will become a city of rich and poor.

Thank you for your consideration.

Linda S. Votaw  
2 Vistaview Court  
San Francisco, CA 94124

File 981158

SAN FRANCISCO EXAMINER

# Supes clamping down on owner move-in evictions

By Rachel Gordon  
OF THE EXAMINER STAFF

The San Francisco Board of Supervisors moved to toughen the City's prohibitions on owner move-in evictions — quickly inflaming the lingering battle between tenants and property owners.

The proposed law, which won initial approval Monday, goes further than one adopted by the board last year that offered protections to tenants who are seniors, disabled or catastrophically ill. Supervisors Barbara Kaufman and Gavin Newsom were excused from the vote because they own rental property.

The latest legislation requires landlords who boot a tenant so they or their relatives can move into the unit to occupy the vacated apartment within three months of the eviction and to live there for at least three years. Under the existing law, the landlord or relative must only stay in the unit for one year. The board's unanimous vote came without debate on the issue. It still bans the displacement of long-term tenants who are seniors, disabled or catastrophically ill.

The move is intended to slow the number of owner move-in evictions, which have hit an all-time

high. The City's Rent Board reports that two years ago, there was an average of 36 owner move-in evictions a month. By the end of last year, the average jumped to 128.

"We have a crisis in owners moving in and evicting tenants and raising rents astronomically," said Supervisor Sue Bierman, chief sponsor of the proposed law.

San Francisco's rent control law caps rent increases at about 2 percent a year, forcing many landlords in this tight housing market with a vacancy rate below 1 percent to charge substantially less than what the market dictates.

When a unit becomes vacant, a landlord can raise the rent without restrictions. Tenant activists charge that many landlords use the owner move-in eviction process as a way to get rid of long-term tenants so they can hike rents.

In addition, under Bierman's proposal, landlords seeking to displace tenants must have an ownership in the property of at least 50 percent. The provision puts a crimp on "tenancies in common," in which multiple owners take over several units in larger buildings. Under the proposal, tenants in no more than two units could be evict-

ed to make way for landlords or their relatives.

The proposed law also outlines relocation costs landlords must pay and rules for re-renting to the displaced tenants if a unit becomes available.

Jim Fabris, executive vice president of the local Association of Realtors, said a lawsuit will be filed to overturn the new law, once it takes effect.

"At some point the supervisors should take responsibility for providing affordable housing in San Francisco, instead of placing the burden on individual property owners," Fabris said. "The supervi-

sors have gone too far. This taking of property ... without compensation."

Bierman believes The City is within its legal right.

Last year's owner move-in law was challenged by property owners and overturned in Superior Court with the judge deeming it unconstitutional. Since then, the board tinkered with it legislatively and has passed scrutiny in the local municipal court but has yet to be retested in a higher court.

Meanwhile, landlord and tenant activists are waging another fight on another battleground: Nov. 3 ballot. Proposition G, a tenant-backed initiative, would even greater prohibitions on owner move-in evictions. If approved, the measure would practically outlaw tenancies in common if they involve evicting tenants in the process and extend the protection permanently. Bierman's law would expire next summer.

*cc: mbv Paul Jones*



**Greater San Francisco Association of REALTORS®**

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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

98 SEP 14 PM 1:39

BY \_\_\_\_\_ *AR*

September 14, 1998

*File 98-1158*

Board of Supervisors  
City and County of San Francisco  
Room 308, 401 Van Ness Avenue  
San Francisco, California 94102

Dear Supervisors:

This letter is written to express our opposition to the amendments to the city's rent ordinance being proposed by Supervisor Sue Bierman. Listed below are the key features of the amendments, as well as the arguments our organization is advancing in opposing each of them.

- **Prohibit rental property owners from recovering possession of a unit after July 1, 1997, unless the owner has at least a 50 percent interest in the property.**

Under the current ordinance, a rental property owner may recover possession of a rental unit "in good faith, without ulterior reasons and with honest intent" for the owner's use or occupancy as his or her principal residence for a period of at least one year. Possession of a unit also may be recovered for the use or occupancy of a relative of the owner as the relative's principal residence for a period of at least one year. In each case, the owner must have at least a 25 percent interest in the property.

By increasing the percentage of ownership interest required to recover possession of a rental unit, the amendments, if they are passed by the board and signed into law by the mayor, will choke off one of the last remaining means by which renters can become property owners—that is, through tenancies in common.

A tenancy in common is a form of ownership in which each of several purchasers owns an undivided interest in a building and then, by agreement, takes possession of one of the units. Usually, a tenancy in common is formed by several renters residing in a property, along with one or two friends or relatives also interested in residing in the property—as owners, not renters. Most tenancies in common involve smaller properties of two to four units.

If the amendments increasing the percentage of ownership required to recover possession of a unit become law, tenancies in common will be virtually eliminated as an affordable housing opportunity. And, by making the amendments retroactive to July 1, 1997, those who purchased property in reliance on their ability to form a tenancy in common—if they have not already done so—will be exposed to enormous hardship.

- **Prohibit an owner from recovering possession of a unit if the owner receives notice that the tenant in the unit:**

**Is 60 years of age or older and has been residing in the unit for 10 years or more;**

**Is disabled and has been residing in the unit for 10 years or more; or**

**Is catastrophically ill and has been residing in the unit for five years or more.**

Property owners have a basic right to recover possession of a rental unit for their own occupancy or use or for the occupancy or use of a relative in any property they own. It is totally unfair, under any circumstances, for renters to have a right to occupy a unit that is superior to that of the owner, or the owner's father or mother, or other relative.

If senior tenants, tenants with catastrophic illnesses and tenants with disabilities are deemed to be entitled to affordable housing, the city should devise a public subsidy program for them. It should be society's responsibility, not the responsibility of rental property owners, to provide seniors and disabled tenants with affordable housing.

- **Prohibit rental property owners from recovering possession of a unit unless possession is recovered for at least 36 continuous months.**

Three years is an unreasonably long period of time for anyone to commit to living in a unit—be that person a renter or an owner. Unforeseen circumstances can always arise and prevent the person from completing a three-year occupancy. Under this provision, thousands of responsible owners would be punished for the dishonest actions of a few.

- **Prohibit rental property owners from recovering possession of a unit for a relative unless the unit is a single-family property or a multi-unit property in which the owner currently resides or plans to reside.**

Rental property owners should have the right to recover possession of a rental unit for a relative's use or occupancy in any property they own, regardless of whether they reside or plan to reside in it. Limiting the right of an owner to recover possession of a unit for a relative except in cases where the unit is in a single-family property or a multi-unit property in which the owner resides or intends to reside serves no useful public purpose.

- **Prohibit rental property owners from recovering possession of a unit if any comparable unit is available.**



Rental property owners should have a right to reside in the unit of their choice in the building of their choice.

- **Prohibit rental property owners from recovering possession of a unit occupied by a senior citizen with 10 or more years residency.**

Under this provision, seniors would be given a life estate in the units they occupy. As a consequence, properties with seniors would become difficult to sell. To avoid this problem, owners would be forced to show a preference for younger persons in renting units which have become vacant.

- **Require rental property owners endeavoring to recover possession of a unit to provide the tenant and the Rent Board, in writing, with the identity of persons holding title, their percentages of ownership, a description of all of the residential property they own and a statement that, under certain circumstances, the tenant has the right to rerent the unit at the same rent.**

Rental property owners should not be required to provide tenants with information such as the identity of persons holding title to the property, a description of all of the residential property they own, etc. If the information is to be provided, it should be provided to the Rent Board only in order to maintain confidentiality.

- **Entitles each tenant who has resided in a unit in a multi-unit property for 12 or more months to receive relocation costs of \$1,000.**

Rental property owners are in the business of providing housing accommodations. They should not be required to bear unrelated costs incurred by renters in relocating. In addition, the relocation costs specified in this provision are arbitrary.

- **Make it a misdemeanor for rental property owners to deny any person a rental unit because the person's age would result in that person acquiring rights under the Rent Ordinance.**

Adoption of this provision will cause every senior who is denied housing to be motivated to claim that the denial occurred because he or she would have acquired rights under the Rent Ordinance. If a claim is filed and an investigation ensues, how will it be possible for a determination to be made that a senior was denied housing for such reason?

- **Require rental property owners to offer a replacement unit, if available, to any tenant evicted for owner/relative occupancy based on the rent the tenant was paying.**

This provision violates the recently enacted Costa-Hawkins Housing Reform Act which prohibits vacancy control in any form.

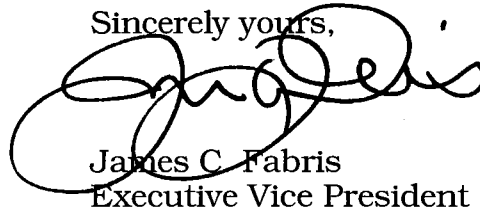
Board of Supervisors  
September 14, 1998  
Page 4

- **Require rental property owners who seek to rent any unit, possession of which was recovered, to offer the unit at a rent not greater than that which would have been in effect had the tenant remained in continuous occupancy.**

This provision violates the recently enacted Costa-Hawkins Housing Reform Act which prohibits vacancy control in any form.

For the foregoing reasons, we urge you to vote against the proposed Bierman amendments.

Sincerely yours,



James C. Fabris  
Executive Vice President

cc: Supervisor Tom Ammiano  
Supervisor Sue Bierman  
Supervisor Amos Brown  
Supervisor Leslie Katz  
Supervisor Barbara Kaufman  
Supervisor Mark Leno  
Supervisor Jose Medina  
Supervisor Gavin Newsom  
Supervisor Mabel Teng  
Supervisor Michael Yaki  
Supervisor Leland Yee

Mayor Willie Brown

1. Re item 17, File 98-0991: Amendment of the whole entitled "Ordinance amending Public Works Code to specify the public notice and appeal procedures regarding street tree removal by City agencies, commissions or departments and to establish a notification process and enforcement mechanism for violations of the Urban Forestry Ordinance and making specified provisions of this ordinance applicable as of September 1, 1998." adopted. Passed on first reading as amended.
2. Re Item 21, File 98-1158: Amendment of the whole bearing same title adopted. Passed on first reading as amended.
3. Re Item 23, File 98-1244: Amend title, line two, by replacing "Opposing" with "Approving" and line 4, after "will" by deleting "not"; amend line 14 by replacing "opposes" with "approves"; amend line 16, after "will" by deleting "not"; amend line 19 by replacing "deny" with "approves".

New title: Resolution approving the request for issuance of a Type 21, off-sale general alcoholic beverage control license to Rite Aid Corporation for Thrifty PayLess, located at 776 Market Street, and determining that it will serve the public convenience and necessity of the people of the City and County, in accordance with Section 23958.4 of the California Business and Professions Code.

Adopted as amended.

4. Economic Development, Transportation and Technology Clerk note: Refer appropriate Mission Bay legislation to Planning Commission.
5. Calendar Clerk note: Place Files 98-1505, 98-1506, 98-1507, 98-1508, 98-1510, 98-1511, 98-1512, 98-1513, 98-1514, 98-1515, 98-1519, 98-1521, 98-1522, 98-1509 on Board for Adoption Without Committee Reference Calendar September 22, 1998.
6. Add the following Supervisors as co-sponsors:
  - File 98-1286: Supervisor Teng;
  - File 98-1444: Supervisors Teng, Katz, Leno;
  - File 98-1445: Supervisors Teng, Katz;
  - File 98-1447: Supervisor Newsom, Teng;
  - File 98-1448: Supervisors Katz, Leno;
  - File 98-1452: Supervisors Newsom, Teng, Katz, Leno;
  - File 98-1490: Supervisors Newsom, Teng, Katz, Leno.

**Date:** 9/11/1998  
**Sender:** "Sean O'Neal" <guardeon@ix.netcom.com>  
**To:** DaMayor  
**cc:** Board of Supervisors  
**Priority:** Normal  
**Subject:** Sue Bierman OMI Eviction legislation & Prop. G.

---

Greetings Major Brown,

I have been a resident of S.F. for 15 years. After living in cockroach infested apartments for a number of years, in 1991 I finally found a decent flat to live in. Unfortunately, I'm now very likely facing an owner move in (OMI) eviction from the very place I have called home since 1991. I don't consider an OMI eviction an inconvenience - it's a disaster not only because I work out of my home but also because there is virtually no vacancies in S.F., and those few that remain are absurdly priced.

In addition to the high probability of my eviction, I have had to undergo one of the most upsetting and stressful experiences of my life - unrelenting visits by real estate brokers and prospective buyers (speculators?) of my flat. On some days up to 35 people have toured my flat and the other 2 units of our building. My carpets and walls have been dirtied. An individual with a video camera filmed my apartment. Closets have been opened. The woman downstairs had the lock on her front doort broken as well as another door left open violating her security. My neighbors (who were obviously not serious buyers) got a chance to peek into my privacy. This has been an absolute nightmare.

We asked the real estate company, Vanguard Properties, to limit their access to one day week - this was denied without hesitation. What has happened to the concept of civil rights and privacy here in the U.S.? I can tell you - only property owners have these rights in a country which has become nothing more than a plutocracy. There are some areas the free market should not be allowed to operate unfettered - an individuals right to privacy and housing should be a candidate for such exceptions.

As leaders of this city, the question that you must grapple with is this - does San Francisco want to become the Aspen, Colorado of Northern California where only the wealthy can afford to live and where no diversity of culture can exist? If middle income individuals like myself have to move out of San Francisco, where are you going to find the lower middle class workers to wait the tables, clean the streets, drive the buses and so on. If you expect these workers to commute to San Francisco, just get into your car and drive over the Bay Bridge or take Bart during rush hour - you will see no one in their right mind is going to do this if they can work somewhere else. And work somewhere else they will...because commuting is only going to get less efficient and more expensive in the upcoming years.

Allowing OMI evictions and absurd rent increases is cutting your nose off to spite your face. The city is going to be damaged both culturally and economically in the long run. The real estate and property management mafia will argue it's in the best interest of the city to have high rents and few rentals - but ask the owners of restaurants, entertainment establishments and retail shops - they have a different opinion because every dollar that is spent on rent is one less dollar spent on consumer spending. And don't forget, the bubble economy we live in today can burst tomorrow - leaving nothing but bankruptcy and overpriced housing. Needless to say, the current economic down trends of the last couple of months should raise eyebrows.

I have made up my mind that if i'm evicted from an owner move In, I'm

going to leave the country and renounce my U.S. citizenship citing specifically this eviction. There is no way I'm going to continue to pay taxes to a nation where people's basic rights to privacy and housing are not protected. And the country is not going to gain from my immigration because i'm an information technology worker that the country cann ill afford to lose - and a very good one at that.

I hope that both Sue Bierman's OMI Eviction legislation and Prop. G are approved and strengthened. Unfortunately, it appears that neither law will prevent my eviction because of the limited protection (proposed 50% building ownership). I would be most happy to testify before the board of supervisors and state my case and take any questions you may have. Thank you for your time and consideration.

P.S.: Please don't sell out S.F. and accept bribes from the Real Estate mafia - they could care less about the citizens of S.F or the future of the city.

Sean O'Neal  
212A Steiner Street  
San Francisco, CA 94117  
415-863-7889

9/11/98

*cc: mbv Bag Done ✓*

# GRAY PANTHERS

1182 Market Street, Room 203  
San Francisco, CA 94102  
Telephone: (415) 552-8800

## OF SAN FRANCISCO

September 8, 1998

S.F. Board of Supervisors  
City Hall  
San Francisco, CA

Dear Members:

Re: OMI Reform Legislation - File No. 000-98-1158  
8/20/98 Amendment of Chapter 37 of the San  
Francisco Administrative Code

The Gray Panthers of San Francisco supports this legislation. This amendment's restrictions on owner move-in evictions are necessary to curb abuses that have resulted in monthly OMI evictions increasing approximately 200% since March 1995.

This increase in evictions and its disproportionate effect on long-term tenants, especially the elderly, is a social disaster and is not acceptable.

We hope that additional legislation will be devised soon that will restrict profit-driven evictions of all San Francisco residents.

But meanwhile, we urge your yes vote on this legislation when it comes before the Board for your consideration.

Sincerely

*Aroza Simpson*  
Aroza Simpson  
Convener

RECEIVED  
BOARD OF SUPERVISORS  
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BY  
ARC

c: ea Sugar/Dome

98-1158

Thank You for this opportunity to express my opinion on this situation

My Name is John R Manley and I've been a resident of SF for 13 yrs.

This legislation fails to solve the problem of affordable housing for our elderly and disabled. The City needs to work with Private citizens to create more housing and use the existing housing it already has. How do we solve or slow down the elderly eviction problem? By Reverse Seniority. If you have been there the longest, your the last to go. This allows the owner to live in the property that they own and keeps our elderly & disabled in another unit in the same building at their current rent. This also means that the owner won't prosper from this move in eviction. Limiting the number of OMI evictions to "one per the life of the building" is not only against the fundamental concept of ownership--- it will drastically effect the owners ability to sell the building. Occupancy is a basic right of ownership. There are solutions to our housing problems and I ask the board of supervisors & Mayor W. Brown to work with tenant & landlord groups along with private citizens to solve these problems. This legislation will only alienate the two parties at a time when we need to move closer together. Lets create legislation that will have a real impact and is a WIN-WIN situation for both sides. I feel that the voters should decide legislation like this and not the Board of Supervisor in an election year. I will volunteer my time and resources on this project.

I Thank You for this opportunity.

**GOLDEN GATE MORTGAGE, INC.**

*A Licensed California Brokerage*

**JOHN R. MANLEY**

*Loan Consultant*

850 Presidio Ave. Suite A, San Francisco, CA 94115

P.O. Box 750609, Petaluma, CA 94975-0609

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**Greater San Francisco Association of REALTORS®**

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301 Grove Street  
San Francisco, CA 94102-4497  
Telephone (415) 431-8500  
Facsimile (415) 553-3968

File 98-1158  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
98 AUG 21 AM 8:37

BY \_\_\_\_\_

August 20, 1998

Supervisor Mark Leno  
Board of Supervisors  
City and County of San Francisco  
Room 308, 401 Van Ness Avenue  
San Francisco, California 94102

Supervisor Jose Medina  
Board of Supervisors  
City and County of San Francisco  
Room 308, 401 Van Ness Avenue  
San Francisco, California 94102

Supervisor Leland Yee  
Board of Supervisors  
City and County of San Francisco  
Room 308, 401 Van Ness Avenue  
San Francisco, California 94102

Dear Supervisors Leno, Medina and Yee:

The proposed ordinance amends the city's rent control law by requiring, among other things, any owner who wishes to recover possession of a rental unit for his or her occupancy in a building he or she owns to have at least a 50 percent ownership interest in the property. It also would make permanent the protections from owner move-in evictions which are part of a temporary moratorium enacted by this Board last June.

By increasing the percentage of ownership interest required to recover possession of a rental unit, the amendments, if they are passed by the Board and signed into law by the mayor, will choke off one of the last remaining means by which renters can become property owners—that is, through tenancies in common.

A tenancy in common is a form of ownership in which each of several purchasers owns an undivided interest in a building and then, by agreement, takes possession of one of the units. Usually, a tenancy in common is formed by several renters residing in a property along with one or two friends or relatives also interested in residing in the property—as owners, not renters. Most tenancies in common involve smaller properties of two to four units.

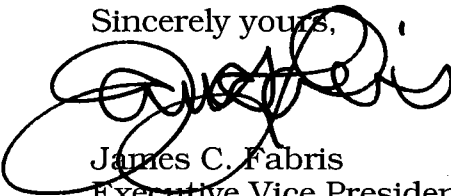


Supervisor Mark Leno  
Supervisor Jose Medina  
Supervisor Leland Yee  
August 20, 1998  
Page 2

If the amendments increasing the percentage of ownership required to recover possession of a unit become law, tenants in common will be virtually eliminated as an affordable housing opportunity. And, by making the amendments retroactive to July 1, 1997, those who purchased property in reliance on their ability to form a tenancy in common—if they have not already done so—will be exposed to enormous hardship.

Only four days ago a temporary moratorium against owner move-in evictions involving certain classes of tenants went into effect. This Board imposed the moratorium which also provides for the appointment of a citizens group to make recommendations to the Board concerning permanent controls. This group has been appointed and is meeting. Shouldn't it be allowed to submit its recommendations to you before you legislate further in this area? We think so and we hope you agree.

Sincerely yours,



James C. Fabris  
Executive Vice President

cc: Supervisor Tom Ammiano  
Supervisor Sue Bierman  
Supervisor Amos Brown  
Supervisor Leslie Katz  
Supervisor Barbara Kaufman  
Supervisor Gavin Newsom  
Supervisor Mabel Teng  
Supervisor Michael Yaki

Mayor Willie Brown

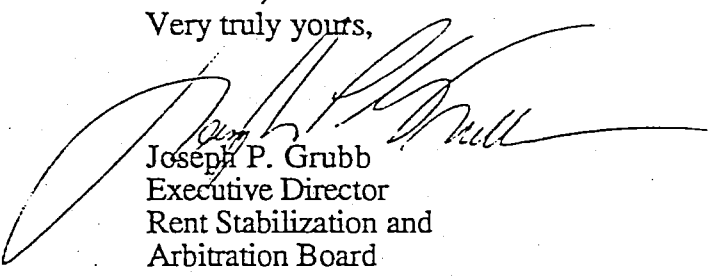
**Page 2**  
**Annual Report on Eviction Notices**

As a matter of comparison, last year there were 1,915 notices filed with the department and for 1995/96 there was a total 1,026 notices filed. There was a 42% increase in the total number of filings when compared with the prior year. The just cause reasons experiencing the greatest increases are as follows:

<u>Just Cause Reason</u>	<u>Number</u>	<u>Percent Increase</u>
Breach of rental agreement	101	42%
Unapproved sub-tenant	42	88%
Owner-Occupied	422	51%
Demolition of unit	42	116%
Roommate eviction	46	57%
No other reason given	86	71%

Please call me at 252.4648 should you have any questions concerning this report.

Very truly yours,



Joseph P. Grubb  
Executive Director  
Rent Stabilization and  
Arbitration Board

encl.

cc: Supervisor Tom Ammiano  
Supervisor Sue Bierman  
Supervisor Amos Brown  
Supervisor Leslie Katz  
Supervisor Barbara Kaufman  
Supervisor Mark Leno  
Supervisor Jose Medina  
Supervisor Gavin Newsom  
Supervisor Mabel Teng  
Supervisor Michael J. Yaki  
Supervisor Leland Yee  
Commissioner Larry B. Becker  
Commissioner Shirley A. Bierly  
Commissioner David G. Gruber  
Commissioner Anthony Justman  
Commissioner Merrie Turner Lightner  
Commissioner Polly Marshall  
Commissioner Everett Q. Moore  
Commissioner Neveo Mosser  
Commissioner Bartholomew Murphy  
Commissioner Sharon Wasserman