

1 [Enforcement of and Assistance with Ellis Act Evictions]

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3 **Resolution urging the San Francisco Sheriff to not enforce Ellis Act evictions and the**
4 **Rent Board to not assist landlords with evicting tenants under the Ellis Act, and**
5 **commending the San Francisco Sheriffs Department for establishing the only sheriff-**
6 **led Eviction Assistance program in the state of California.**

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8 WHEREAS, The preservation of affordable rental housing is vital to maintaining San
9 Francisco as a socially and economically diverse city, and the preservation of affordable
10 rental housing is a goal of the city's Master Plan; and

11 WHEREAS, The stock of affordable rental housing in San Francisco is being lost at
12 increasing rates for the purposes of conversion of the rental units to condominium-type units;
13 and

14 WHEREAS, The conversion of rental units to condominium-type units results in the
15 evictions of all of the tenants in the buildings, and these evictions cause tenants significant
16 physical, emotional, and financial distress, especially for tenants who are senior or disabled
17 or who have school-age children; and

18 WHEREAS, The San Francisco Subdivision Code was adopted to regulate and limit
19 the number of rental units converted to condominium type units and to regulate and limit the
20 number of tenants evicted for such conversions; and

21 WHEREAS, California Government Code Section 7060, otherwise known as the Ellis
22 Act, provides that all tenants in a building can be evicted if the landlord will not rent the units
23 in the future but does not prohibit the units from being sold; and

24 WHEREAS, California Government Code Section 7060 has become a mechanism for
25 landlords to evict tenants for the purpose of selling the units as condominium-type units and

1 circumventing the intent of the San Francisco Subdivision Code, including provisions which
2 would prohibit the eviction of senior and disabled tenants for condominium-type units; and

3 WHEREAS, Over the last two years as the San Francisco real estate market has
4 exploded, the rate of Ellis Act evictions has doubled with 286 units being evicted in 2004 and
5 299 units in 2005; and

6 WHEREAS, With an average of 2.1 people per apartment in San Francisco, over 600
7 people have lost their homes to Ellis Act evictions in of each the last two years; and

8 WHEREAS, Ellis Act evictions are particularly disruptive and harmful to senior and
9 disabled tenants; and

10 WHEREAS, Approximately 76% of all buildings cleared by Ellis Act evictions in San
11 Francisco evicted at least one senior or disabled tenant; and

12 WHEREAS, The San Francisco Sheriff's Department is responsible for carrying out
13 evictions in San Francisco; and

14 WHEREAS, The San Francisco Sheriff's Department's Eviction Assistance Program is
15 the only sheriff-led eviction assistance program in the state of California; and

16 WHEREAS, The San Francisco Sheriff's Department has taken a thoughtful and
17 humane approach to carrying out evictions; and

18 WHEREAS, In 1977, Sheriff Richard Hongisto was jailed for contempt of court when
19 he refused to enforce the eviction order for the International Hotel, a low-income residential
20 hotel, in an attempt to protect the 100 tenants who were mostly Filipino and Chinese seniors;
21 and

22 WHEREAS, Because he had no legal basis or mandate for resisting the evictions,
23 Sheriff Hongisto eventually complied with the eviction orders; and

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1 WHEREAS, The evictions of tenants and the conversion of affordable rental housing
2 will have permanent and irreversible affect on the general welfare of the City and County of
3 San Francisco; now, therefore be it

4 RESOLVED, That the Board of Supervisors urges the San Francisco Sheriff's
5 Department to not enforce the eviction of any tenant who is being evicted under the Ellis Act;
6 and, be it further

7 RESOLVED, That the Board of Supervisors commends the San Francisco Sheriff's
8 Department for the work of their Eviction Assistance Program and for their humane approach
9 to dealing with evictions; and

10 RESOLVED, That the Board of Supervisors urges the Rent Stabilization and
11 Arbitration Board to not assist any landlord with information or advice regarding how to evict
12 tenants under the Ellis Act.

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