

From: [BOS Legislation, \(BOS\)](#)
To: [Major, Erica \(BOS\)](#)
Subject: FW: San Francisco Ordinance, File No. 211265
Date: Monday, January 31, 2022 4:05:35 PM
Attachments: [2022.01.31 LTR from ELB to BOS.pdf](#)

From: Quitania Brooks <Quitania@zfplaw.com>

Sent: Monday, January 31, 2022 12:06 PM

To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Ahsha. <Safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>

Cc: Andrew Zacks <az@zfplaw.com>; Emily Lowther Brough <emily@zfplaw.com>; Angelica Nguyen <angelica@zfplaw.com>

Subject: San Francisco Ordinance, File No. 211265

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Afternoon All,

Please see attached letter from Emily Lowther-Brough, on behalf of the Small Property Owners of San Francisco, regarding the subject matter. A copy is also being placed in the mail.

Quitania Brooks
Administrative Assistant
Zacks, Freedman & Patterson, PC
601 Montgomery Street, Suite 400
San Francisco, CA 94111
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

This communication and its contents may contain confidential and/or privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all

copies. Unless expressly stated, nothing in this communication should be regarded as tax advice.

ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

601 Montgomery Street, Suite 400
San Francisco, California 94111
Telephone (415) 956-8100
Facsimile (415) 288-9755
www.zfplaw.com

January 31, 2022

San Francisco Board of Supervisors
c/o Angela Calvillo, Clerk of Board
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102
Board.of.Supervisors@sfgov.org
bos.legislation@sfgov.org
bos@sfgov.org
MelgarStaff@sfgov.org
Dean.Preston@sfgov.org
Aaron.Peskin@sfgov.org
ChanStaff@sfgov.org
Matt.Haney@sfgov.org
mandelmanstaff@sfgov.org
Ahsha.Safai@sfgov.org
Shamann.Walton@sfgov.org
Catherine.Stefani@sfgov.org
Hillary.Ronen@sfgov.org
Gordon.Mar@sfgov.org

VIA US MAIL AND EMAIL

Re: San Francisco Ordinance, File No. 211265

Dear Supervisors Chan, Haney, Mar, Mandelman, Ronan, Stefani, Walton, Safai, Melgar, Peskin and Preston, and Ms. Calvillo,

We write on behalf of the Small Property Owners of San Francisco in opposition to recently proposed San Francisco Ordinance, File No. 211265 (the “Ordinance”), which we understand will be finally heard before the San Francisco Board of Supervisors on February 1, 2022. The Ordinance purports to eliminate “fault based” grounds for eviction under the San Francisco Rent Ordinance, unless landlords provide defaulting tenants “written warning” that “describes the alleged violation and informs the tenant that a failure to correct such violation within ten days may result in the initiation of eviction proceedings.” The Ordinance unlawfully suspends, and restricts landlords from accessing, unlawful detainer (“UD”) proceedings and is therefore preempted by state law.

The specific purpose of a UD action is to provide landlords a summary proceeding for recovery of possession of their properties. (*Birkenfeld v. City of Berkeley* (1976) 17 Cal.3d 129, 149-151.)

