

**More Eviction Control? Prohibiting Owner  
Move-in Evictions of Families With Children**  
*Noni Richen, President of SPOSFI*

Seeing an opportunity to bolster his image with tenant activists, rookie Supervisor Eric Mar has introduced legislation that would prevent owner move-in (OMI) evictions of families with minor children if the family has been renting for at least one year. **This continues a process we often observe at City Hall: creation of legislation to fix a problem, whether or not the problem actually exists.** (*A legislative pattern we've come to expect from our Supervisors*).

A public hearing on August 17 brought out the usual chorus of paid (many with our tax dollars) tenant activists decrying the fate of families “thrown into the street” (with \$5,000 per person to aid in moving) by owners who want to occupy their own property.

To strengthen the impression of a pressing need for the legislation, Dr. Mitch Katz, S.F. Director of Public Health, was called in to testify that moving is stressful for children. Delene Wolf, Director of the S.F. Rent Board, testified that the Rent Board doesn't know and has no way to determine how many families with children were evicted due to OMIs.

The Legislative Analyst's office testified that it had contacted “stakeholders” in the proposed legislation, listing a phalanx of tenant activist groups in their written legislation, but no owner groups. At the last moment, the LAO did contact SFAA, which serves some small property owners, and the Coalition for Better Housing, which represents very large rental property owners, but it never bothered to contact SPOSFI. Large property owners do not file for owner move-in evictions. It is the small property owner who wants to live in his property or needs a close relative to live nearby who depends on this remedy. We could have told them that we receive only a tiny percentage of rental applications from families with children, that many families leave San Francisco seeking better schools and relief from derelicts in doorways and parks. The Legislative Analyst estimated (guessed) that between 18 and 46 of recent OMI evictions affected families with children.

A 78 year-old woman drew sympathy from tenant activists as she recalled her stress when, as a three-year old, her family was forced to live with grandma when the owners wanted to move into their rental unit.

**Creating a New Protected Tenant Class**

This legislation creates a new protected class of tenants while presenting no credible evidence that families with children are victims of discrimination. In contrast, when a law was passed prohibiting racial discrimination in rental housing, it came with ample and well-documented evidence that racial discrimination was indeed a problem. There is no similar evidence that families involved in OMI evictions are victims of discrimination or that such evictions constitute a problem. Furthermore, creation of a yet another protected class with no evidence that that class is the subject of discrimination trivializes the real discrimination actually suffered by other groups.

### **The Law of Unintended Consequences**

Should this legislation pass, it will have other consequences that Supervisor Mar surely does not want: families with children will have more difficulty finding places to rent, because, quite logically, owners will be reluctant to rent to tenants who will be almost impossible to remove should the owner need to regain possession of the unit for personal use in the future.

Some owners, as a last resort, will turn to the Ellis Act, clearing an entire building, perhaps displacing several households, when displacing only one household is actually necessary.

### **Let the Supervisors Know You Object to This Half-Baked Proposal!**

It's important that we register our objection to Supervisor Mar's unneeded extension of eviction controls. The best and easiest way to do that is via e-mail. Just go to our website, [www.smallprop.org](http://www.smallprop.org).

On the home page, click on **E-mail Your Local Representatives**. This will take you to a new page.

Clicking on the picture of a Supervisor will open an e-mail page addressed to that Supervisor; clicking on the Board of Supervisors picture will open a page automatically addressed to ALL the Supervisors.

Click on the group picture, compose your e-mail, and hit SEND. Please do it today. Thank you.