

# UPDATE

November 1985  
Vol. II, No. 11

OLD SAINT MARY'S HOUSING COMMITTEE NEWSLETTER

660 California Street at Grant ☆ San Francisco, California 94108 ☆ (415) 398-0724

## SUNSET TENANTS ORGANIZE TO SAVE RENT CONTROL

Do you rent a dwelling which houses only a single family? As a tenant in a single family home or condominium, you are protected by San Francisco's Rent Law. Your landlord can only raise your rent once a year, and you can only be evicted for one of twelve "just causes."

But beware! An anti-rent control bill in Sacramento would take away these vital protections. The bill (AB 483) would decontrol single family units - homes in which only one family dwells and condominium rental units. For this reason, the Issues Committee of Old St Mary's Housing Committee is initiating an organizing drive in the Sunset district over the next few weeks. We want to inform and involve tenants in single family units.

On Saturday, October 19, members of OSMHC began to alert people in the neighborhood from 37th Avenue to 47th between Judah and Rivera that as tenants in single family dwellings they are currently protected under rent control. The Committee urged tenants to get involved with other tenants to ensure that AB 483 does not pass the Senate Judi-

ciary Committee next year. We also want to let them know about the Housing Committee's counseling services and activities.

"We chose this area to begin our organizing effort because of the high percentage of single family dwellings," explained Carol Wallerstein of the Issues Committee. She continued, "The Sunset is a neighborhood with many homeowners and long-term tenants in single family homes. We can help maintain the stability of the area."

Periodically, through the month of November, neighbors will be informed at tables at busy intersections and through church networks in the area. An informational meeting will be held in mid-November to let residents speak to Senator Milton Marks and tenant activists. [Sunset residents, please see enclosed flyer.]

Many of the people living in the Sunset are families and long-term tenants. The elimination of rent control for these tenants would most likely result in large rent hikes and more evictions, probably forcing them out of the city forever.

"I know that without rent



Issues Committee crew prepares to leaflet Sunset.

control, my 91 year old mother and myself will have nowhere to go," stated Ida Paoli, a single family unit renter. "My mother couldn't handle a move at this time, nor could we afford to pay higher rents. I hope people like me do everything they can to see that AB 483 doesn't pass."

If you can help the Housing Committee and single family dwelling tenants in our efforts to eliminate AB 483, please call 398-0724. The bill has already passed the Assembly and will be heard by the Senate Judiciary Committee in January. Every tenant or rent control supporter should urge his/her Senator to vote against AB 483! □

### Legislative Beat

#### Deukmejian Signs Bills

According to the California Rural Legal Assistance Foundation, the year was not bad for housing advocates. Of 34 bills supporting low-income housing, 23 passed and 20 of those were signed by the Governor.

The Governor signed SB 478 (Petrus). It establishes a California Housing Trust Fund, with \$20 million annually for low income housing projects. The money comes from offshore oil taxes. It is the first such fund in the country to provide a steady source of money specifically for low income housing. Determining how the money is spent each year will be up to the legislature. A broad coalition of organizations, including Old St Mary's Housing Committee, supported this legislation. Only one group op-

posed it, the California Housing Council.

#### HOMELESS PACKAGE

SB 478 was part of the California Homeless Coalition's Homelessness Recover Package. Another of the bills in the package, SB 549 (Dedeh), was also signed into law. It permits state emergency shelter funds to be budgeted towards meeting operating costs of shelters. The Governor vetoed a third bill, AB 1929 (Bates), citing funding considerations.

Three other bills in the Homelessness Package will be voted on in January. They are AB 1262, AB 146 and SB 466.

The first, AB 1262 (Davis), will provide emergency aid, specifically for homeless veterans. It will establish Homeless Veterans Housing and Employment pilot projects in San Francisco and Los Angeles. SB 466 (Watson) will be geared towards finding families permanent and decent housing. It will help families with costly

move-in expenses. Finally, AB 146 (Naylor) will help prevent families from becoming homeless by assisting them during times of financial crisis.

#### MAJOR ASSAULT ON RENTERS

Although AB 483, the major anti-rent control bill, is postponed, it was amended to include a \$50 million annual Housing Trust Fund for assisting low income persons and an exemption from local rent control for long term leases in mobile home parks. While the modest housing fund may sound sensible, most of the funds will come from rent controlled communities, but will be used statewide. In fact, one such source will be eliminating the renter's credit from certain rent controlled tenants. It will come to a vote before the Senate Judiciary Committee in January, following 'information only' hearings this winter. If the Judiciary Committee approves it, its passage by the full Senate is expected. □

TIME DATED MATERIAL

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by David Levi Strauss

It's often said that tenants can't win in San Francisco. I know for a fact that this isn't always true. Two years ago, on April Fool's Day, I returned to my apartment in the Mission late. It was raining. Inside my apartment. There were long cracks in the ceiling and water pouring in, directly onto a long shelf of books. The apartment upstairs was empty and locked. The landlord had been preparing it for another renter. Their workman had broken a pipe and walked away from it earlier that day. I immediately called my landlord, Landmark Realty. They did nothing. Two weeks later, I

met with Ron Fiore at the Landmark Offices at 573 South Van Ness to discuss compensation. Fiore blamed the workman for the damages and offered to pay me \$250 to settle the matter. He didn't seem to think books were worth very much. When I asked him if the money would come out of the workman's pay, he said yes, it would. I told him I'd see him in court.

I consulted a lawyer/writer friend of mine, Elaine Affronti, and we sued Landmark for the replacement cost of the damaged books. Each time Landmark refused one of our demands as excessive, we increased the amount. Their only defense was to try to blame it all on the workman. We responded by bringing the workman into the case on our side as a co-claimant in the suit. Because of a special clause in my rental agreement, the case went to the American Arbitration Association. One year after the original incident, the Arbitrator awarded me \$3400 in damages, and the

workman hired by Landmark \$1200 in back wages and demands. He also ordered Landmark to pay \$620 in administrative fees. Landmark paid all court costs and lawyer's fees.

I thought this was the end of it, but I was wrong. It took nearly another year to get the money out of Landmark. Every time we tried to attach one of Robert Imhoff's bank accounts, he moved the account. We threatened to have the Sheriff's Department set it up so everyone in my building would pay their rent to me until the account was settled (under a recent law). Then Imhoff tried to sell the building and came up against a lien Elaine had put on it. On the second day of 1985, I received a check for the remaining amount Robert Imhoff (dba Landmark Realty) owed me. Elaine and I drank champagne. □

Judith Vasos is on vacation.



Ed Maurer wins first prize drawn by Lillian.

#### The Raffle Ticket Winners

Ed Maurer  
Margaret Servia  
Danielle Michelena  
Emma Kurtich  
IJ Paoli  
Laura Holland  
F San Pablo  
L Murphy  
Glenn Arthur  
Brian & Liz Halton  
L Johnson

**Sellers' Raffle**  
John Przybelinski  
Imogene Robertson  
Kay Sutthoff  
Claire Joslin  
Mary McKenna  
Susan Gabriel  
Ruth Gillespie  
Fred J Venose

**Special Drawing**  
Marie Jobling  
Donna Fleet

Special congratulations to the high sellers...  
John Przybelinski, Fred Venose and Ellen Arbenz

And to Sean O'Driscoll,  
Thanks much greater  
Than mere words can express,  
For the time and hard work  
You donated  
To generate success.

#### Updated Calendar

Nov 2 Issues Committee  
Sat Tabling in Sunset

Nov 4 Issues Committee  
Mon Meeting at 5:30 PM

Nov 5 Election Day  
Tue Don't forget to vote.

Nov 6 5:15 PM  
Wed OSMHC GENERAL MEETING  
Vote on two amendments.  
Sheriff Hennessey speaks.

Nov 9 9:30 AM  
Sat Issues Workshop

Nov 11  
Mon Deadline for Dec UPDATE

Nov 16 More Issues Committee  
Sat Tabling

Nov 20 5:15 PM  
Wed OSMHC Board Meeting  
Members are welcome.

Nov 28 THANKSGIVING  
Thurs No Counseling Clinic

Dec 4 Christmas Dinner  
Wed & Volunteer Recognition  
Phone 398-0724 to reserve.

<NOTE> The Counseling Clinic meets each Thursday to provide training. If you want to be a counselor, attend the meeting or phone 398-0724.

#### NOTICE TO MEMBERS PROPOSED AMENDMENTS Vote at Nov 6 Meeting

The Nominating Committee has proposed two amendments to the bylaws, for membership approval at the November sixth General Meeting. All members in good standing may vote.

The first amendment would have the Board elect the Officers, instead of the general membership. The other allows absentee ballots.

The Board of Directors voted for these amendments. □

- Gary Tutin, Secretary

Advertise your service or store  
in UPDATE.  
Phone Erica, 398-0724.

#### Letters

Dear Editor:

I am pleased to inform you that the Governor has signed AB 1677, my bill which protects tenants from being cheated out of their security deposit when their rental unit changes ownership (Chapter 1291, Statutes of 1985).

Under this new law, when rental property changes ownership, the new owner will now not only be prohibited from charging the tenant for a second security deposit, but will also be liable for the repayment of the security deposit even if the original landlord doesn't return it.

This measure is one of the most significant tenants' rights bills to pass the Legislature this year, and for this reason I would like to wholeheartedly thank you for your support.

Sincerely,  
Gary A Condit  
Assemblyman

#### UPDATE

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## Know Your Rights

### CAPITAL PUNISHMENT II

by Erica Silverberg

As explained in the last UPDATE, Capital Improvement pass throughs saddle tenants with the burden of paying for work done to prolong the useful life of the building or to add to the value of the property. While many of us feel that our mere presence adds to the value of the property, landlords are compensated for their efforts to improve buildings through the pass through process.

If a landlord decides to do Capital Improvements on your building, he/she will have to file a petition at the Rent Stabilization and Arbitration Board (170 Fell Street, Room 16) before passing the costs through to the tenants. The landlord must provide the Rent Board with funds to cover the cost of hiring an estimator to assess the value of the work should the Board deem it necessary to figure pass through costs.

The costs of improvements on individual units is allocated in several ways, taking into account the extent to which each unit benefits from the work. Sometimes costs are allocated based on square footage in each unit, on the rent paid in each unit, or by dividing the cost equally between the units affected.

Probably the most frequent question asked by people involved in Capital Improvement pass through hearings is: what is the difference between capital improvements and routine repairs and maintenance? For most tenants, there is a fine, if not blurry, line between the two. Generally, Capital Improvements involve work which increases the value of the building or prolongs its life, while routine repairs constitute work done simply to maintain the building and individual units in reasonable condition.

Tenants can and should raise their objections to Capital Improvement pass

throughs. Some of the best arguments against these pass throughs are those provided for in Sec. 7.15 of the Rules and Regulations of the San Francisco Rent Ordinance. According to the section, these objections "may be on the basis that the work claimed to be performed was not performed, that the work performed was necessitated by the current landlord's deferred maintenance resulting in a code violation, that the costs claimed are not true or reasonable costs."

It is particularly important to remember that tenants can raise objections to the costs of equipment, fixtures and improvements to their individual units. Many landlords have tried to frighten tenants into moving out by threatening to evict them to do improvements on their units while raising their rents in large jumps to pass through costs. Unfortunately, many tenants move out of fear, unaware that in most cases they can move back into their units and protest pass throughs based on provisions in the Rules & Regulations.

For example, "Allowance for the cost of equipment, fixtures, and improvements in an individual unit shall not be made if the tenant has objected in writing to the installation unless the landlord can establish that existing equipment, fixtures, or improvements need replacement for reasons of health or safety or because of excessive maintenance cost."

You may not be able to stop a landlord from redoing your kitchen or bathroom, but you may be able to prevent him/her from making you pay for it. Take pictures (and date them) of your apartment now as a record of the condition it's in, just in case you need evidence later.

If you suspect that your landlord may try to pass through improvements, or you want to get tenants together in your building to discuss these or other issues, OSMHC is always ready to come out and help you with your meetings. Just give us a call at 398-0724. □

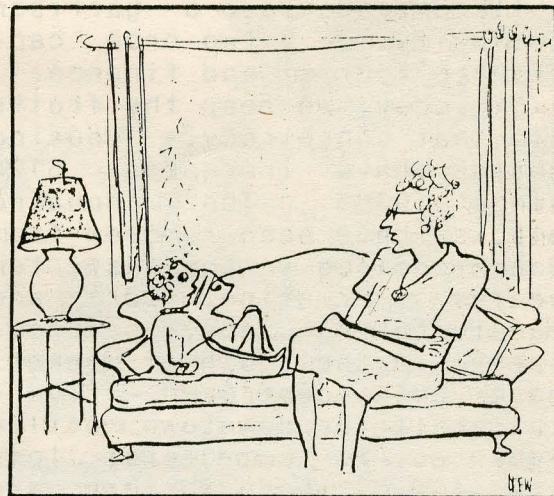
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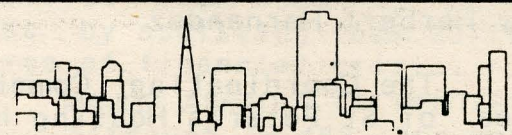


AND WHEN GRAUMA AND GRANDPA WERE YOUNG  
WE NEVER HAD TO BE AFRAID OF BEING EVICTED

**CELEBRATE THE HOLIDAYS WITH OSMHC**

The December 4<sup>th</sup> General meeting of OSMHC will be our Annual Holiday Celebration. We cordially invite you to share a Holiday dinner, and help us thank the many folks who volunteered during the year.

The dinner is complimentary: our way of saying thanks. RSVP by NOV. 25<sup>th</sup> to reserve a seat. Call 398-0724.



### San Francisco Housing & Tenants Council

High Rents Are Destroying  
Life In Our City

Help Us Save San Francisco  
Join SFHTC  
397-7151

We welcome your participation!!

## YOU can help protect renters' rights!

If you support the work of Old St. Mary's Housing Committee and wish to advance its work, you can help by becoming a member.

Each month, members receive our newsletter, UPDATE, a concise roundup of housing news. General membership meetings are held the first Wednesday of every month at 5:15 pm at Old St. Mary's Church, Grant and California.

- |   |   |
|---|---|
| <input type="checkbox"/> \$ 5 Low Income Membership   | <input type="checkbox"/> \$50 Sponsoring Membership |
| <input type="checkbox"/> \$15 Regular Membership  | <input type="checkbox"/> \$____ Other               |
| <input type="checkbox"/> \$25 Supporting Membership   |   |
| <input type="checkbox"/> I'd like to volunteer a few hours a month to help preserve affordable housing. |   |

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Contributions are tax-deductible.

### Joe's Corner

I'm starting a Tenants Voting Program. I'll keep you posted. I'll need help from every tenant in San Francisco. They may have the money, but we have the people!!! □

- Joe Lacey, Chairman



## VIEWPOINT

### ON PROP. F

by Brian Doohan

Nearly forty years ago, a handful of wealthy men set into motion a conspiracy to transform the City from a balanced environment of maritime, industrial and white-collar trade into a garrison community... a two-crop captive to tourism and finance.

Today, we reap the fruits of that conspiracy. Housing costs have increased 512% since 1965. Ten thousand blacks have been removed from San Francisco in the last ten years. Printing, port and manufacturing jobs, particularly in the South of Market, have been destroyed. More than half the downtown office jobs go to commuters; less than 10% of these workers are protected by unions.

Having largely exterminated the poor and working classes, the insatiable downtown financiers and their creatures in City Hall are training their sights on the middle class.

A Chronicle account of San Francisco's gentrification reveals that people making \$22,000 per year cannot afford the intolerable rents resulting from the downtown cancer. Because of commercial rents, some San Franciscans pay almost twice as much for food as residents of Walnut Creek.

The first thing to be done is to stop this cancer's spread. Proposition F was placed on the ballot by thirteen thousand concerned citizens for the specific purpose of freezing downtown sprawl while alternatives are ex-

plored and drafted into permanent legislation.

An innocent might think that such organizations as San Franciscans for Reasonable Growth, San Francisco Tomorrow, the Sierra Club, etc. would welcome breathing room. Instead, seventeen members of such groups have joined the Mayor and Chamber of Commerce in a ballot argument against Prop F and have lobbied their own and other bodies to oppose it or, where that fails, to take no position... much to the delight of the pro-cancer Planning Commission and the downtown developers. This new, and hopefully temporary, alliance between the business community and a segment of the slow-growth community should not go unnoticed.

Bernd Pick makes four objections to the proposition. [October UPDATE] The first can be resolved by reading the text of Proposition F, which controls office and hotel construction not, as Mayor Feinstein argues, "any building of any size for any reason."

In his second argument, Pick implies that developers would bring inappropriate neighborhood proposals before the Planning Commission due to Prop F. Developers have always brought preposterous proposals before Planning and far too many have passed. If anything, Prop F would empower the neighborhoods to further challenge the Commission's findings and, perhaps, even its legitimacy.

Thirdly, defeat of Prop F will not, as suggested, halt the construction projects already approved by the Planning Department. Passage, however, will freeze an equal amount of additional permits that Planning would be able to approve under the toothless Downtown Plan.

The confused fourth argument seems to stir in Prop F, the Downtown Plan and housing needs into a scenario allowing "the creators of the imbalanced growth to deflect from their responsibility and hide behind Prop F." Further, he falsely portrays the measure as a final solution when it is, and has always been, an initiative to contain the cancer while appropriate long-term legislation is drafted, passed and applied.

Finally, Pick and others have painted F as irresponsible and single-handed when it has been endorsed by such neighborhood groups as the Twin Peaks Council, North Mission Association, Pacific Heights Residents' Association, Sunnyside Neighborhood Association and the Haight-Ashbury Neighborhood Council.

Such "reasonable-growth" advocates who have jumped into bed with the Mayor and the Chamber have exhibited a considerable interest in defending their substantial political and financial investment as Downtown's institutional opposition and very little concern for San Franciscans. UPDATE readers should recognize this dog-in-the-manger attitude for the fraud it is, study the ballot arguments and then vote YES on F... the citizens' revolt against the Downtown cancer. □

Brian Doohan of San Franciscans for a Highrise Moratorium, is responding to last month's Viewpoint opposing Prop F.

UPDATE welcomes readers' viewpoints. Opinions expressed are not necessarily those of the staff or the Housing Committee. The Old St Mary's Housing Committee Board of Directors voted to take no position on Proposition F.

### St. Peter's Housing Committee

by Herbert Hernandez

The Coordinating Committee of St Peter's Housing has realized that it is a little early to hold an election. For this reason, we are delaying the election for a few months, until after our membership drive has brought in new members. There will be a meeting October 30. Ricardo Callejo, a lawyer sympathetic to our cause, will speak on the importance of our participation in the political process in Sacramento. Pedro Ruiz, staff person for the San Francisco Rent Board, will

speak about the Rent Law. Other members of the Committee will speak about the threat of AB 483, and they will present specific ideas of action people can take prior to January, 1986.

Meanwhile, Jose Hernandez, a tenant at 1470 Valencia, is relieved after receiving a letter from his landlord (Shamrock Management) telling him that they are placing aside the eviction for renovation. Some time ago, Jose's landlord wanted to increase the rent to make it comparable to the rents charged to tenants in neighboring buildings. They wanted an increase of \$200. The increase was not

granted by the Rent Board. In early May, 1985, Jose's landlord sent him a 30-Day Notice to Vacate for three months in order to do major remodeling. After filing a petition with the Rent Board for Illegal Eviction, the landlord responded by showing a permit, without any details for remodeling. The estimated cost shown for major remodeling was only \$3000, which would not require vacating for three months. After five months, the landlord decided not to pursue the eviction. Another victory for keeping people in their homes! □

### GENERAL MEMBERSHIP MEETING

Old St. Mary's Auditorium  
California Street at Grant Avenue  
(415) 398-0724

Wednesday, November 6, 1985 at 5:15 PM

Guest Speaker: SHERIFF HENNESSEY

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