

# UPDATE

OLD SAINT MARY'S HOUSING COMMITTEE NEWSLETTER

October 1985  
Vol. II, No. 10

660 California Street at Grant



San Francisco, California 94108



(415) 398-0724

## HONK IF YOU'RE FOR RENT CONTROL

Members of Old St Mary's Housing Committee and St Peter's Housing Committee picketed the Apartment House Association Consolidated (AHAC) on Friday, September 13. Armed with picket signs and gi-raffle mascots, they were cheered on by the drivers of hundreds of cars who honked as they drove on Van Ness between Post and Geary Streets. Tenants sang and chanted for AHAC to "put their money into affordable rental housing, not AB 483."

A delegation went into the convention to pass out letters to the AHAC members asking them to leave the trade show because AHAC's policies oppose the interests of the majority of San Franciscans, seventy percent of whom are renters. Although our delegation had tickets to enter the trade show, representatives of AHAC tried to keep us out!

"You can't pass those out in here. We don't want people to see them," screamed an AHAC representative.

Bruce Livingston, co-chair of the Old St Mary's Housing Committee Issues Committee led the picket with chants of:

AHAC is their name,

They put landlords name to shame.

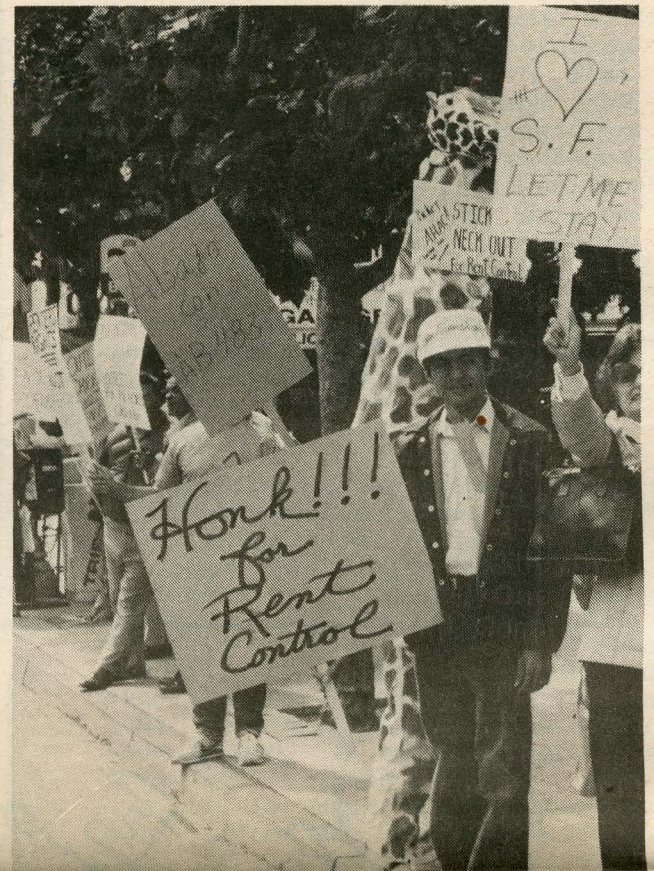
One picket, which was co-sponsored by the St Peter's Housing Committee, included chants in Spanish...

Abajo con Costa

Porque Costa cuesta mas.

[Down with Costa because Costa costs more]

"The event was a huge success!" exclaimed Laura Holland, Issues committee member. "Our members were with us, the press was with us, and the passersby on Van Ness honked with us! This is a mom & apple pie kind of issue. San Francisco tenants need rent control! That's all there is to it." □



## ANTI-TENANT BILL STALLED

Assemblyman Costa's anti-rent-control bill, AB 483, was awaiting a hearing before the Senate Judiciary Committee as the 1985 legislative session closed. Although Costa was determined to meet the September thirteenth deadline, he was unable to provide David Roberti, the Senate President, with amendments clarifying the language in the bill. "The influx of letters to the Senate Judiciary Committee insured that AB 483 did not move this session," explained Bruce Livingston of Old St Mary's.

But the battle is far from over! The anti-rent control forces will have the requested amendments by mid-October, at which time the Senate Judiciary Committee will hold interim "informational" hearings on the bill. Although no formal vote can be taken before the 1986 Legislative session, Christine Minnehan, a chief legislative aide to Senator Roberti, stated that, "these hearings will be critical in insuring the defeat of AB 483." She added

that, "Rent control proponents must be armed with effective arguments against Costa's proposals, and should be prepared to attend hearings sometime in late October or early November."

"Anyone who thought we could sit back and let AB 483 run its course is mistaken," said Joe Lacey. "We must not slack off for one second until this bill is dead and buried."

Old St Mary's Housing Committee is urging each and every person who wants to see AB 483 defeated to send letters to the Senate Judiciary Committee - AGAIN. Even though no "official" vote will be taken before January, 1986, it is critical that we persuade the committee members to vote against AB 483.

We will be participating in the interim 'informational' hearings - and busing people to Sacramento to testify against the bill. Besides mailing notices, our phone tree callers will alert all of our members when the hearings are held. If you are concerned and are not on our mailing list, call 398-0724.

So sit down today and write a postcard or letter to the Senate Judiciary Committee members. Tell them to vote NO on AB 483. Address your letters to:

Senator \_\_\_\_\_

State Capitol

Sacramento CA 95814

(Letters will be forwarded to the Senators' home offices if they are not in Sacramento.)

or call:

(916) 332-9900 (ask to be transferred to the Senator's office.)

Senate Judiciary Committee:  
Bill Lockyer (Chair); Ed Davis (Vice-chair); John Doolittle; Barry Keene; Milton Marks; Nicholas Petris; Robert Presley; Art Torres; Diane Watson; HL Richardson; David Roberti. □

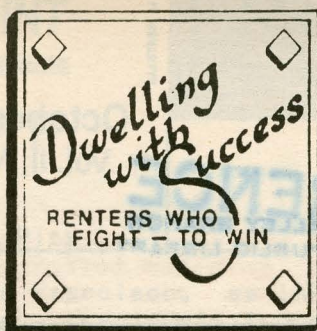
*Being evicted?  
Don't despair.  
We at Old St. Mary's care.  
398-0724*

TIME DATED MATERIAL

Donate to St. Vincent De Paul's Annual Christmas Boutique. Drop off clothes and other items at the Church.

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Permit No. 5060





by Judith Vasos

The residents of an apartment building at 825 Post Street had several options when they received notice from their landlord, Mr. Duff, in May, 1983, of his intention to substantially raise rents (based on pass throughs for operating expenditures, utilities increases and capital improvements). They could have accepted the increase without protest, filed as individuals with the Rent Board to protest the increase, or organized to protest the increase together. They choose the latter option and, ever since, have been working together to protect their rights as renters.

The group started small. According to resident Irene Garay, "There were about six of us who attended a renter's rights meeting at Old St Mary's Housing Committee. Kenn Keith, another resident, knew about the services of Old St Mary's and suggested we talk with them about our concern over the proposed rent increase. At the meeting, the Old St Mary's counselors stressed the effectiveness and importance of joining forces. With help and sup-

port from Marie Jobling, we decided to form a tenants association."

The 825 Post Tenant's Association was formed along with a monthly newsletter, 'Post Scripts,' to help keep residents informed about the proposed rent increases and other matters which affect them.

Twenty-two people filed a joint petition in 1983 to protest the rent increases and also filed a reduction in services petition for lack of building security and professional pest control services, the landlord's failure to maintain common areas of the building, and failure to make needed repairs. Individuals worked with Marie Jobling to prepare the necessary documentation for the hearing with the Rent Board. They also spent many hours attending

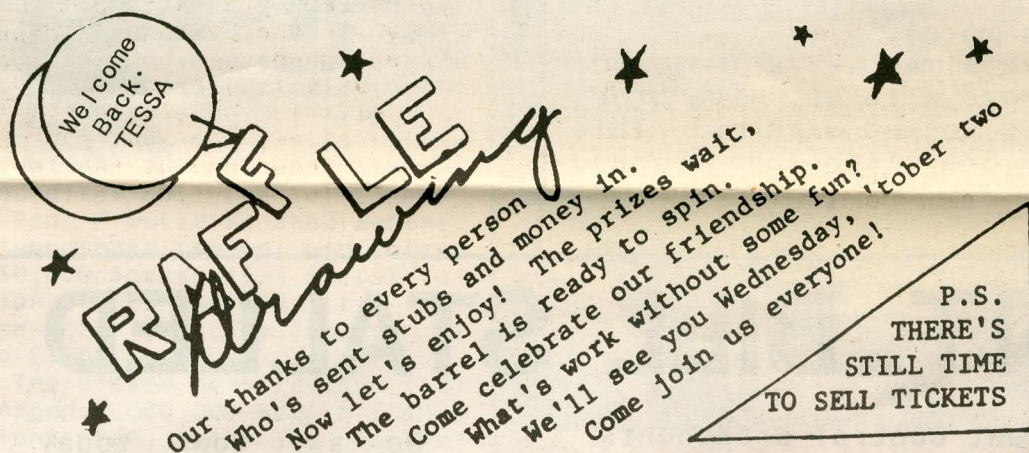


several hearings. In January 1984, nine months later, the Rent Board finally decided in favor of the tenants.

Throughout this time, the association had been growing and becoming familiar with other groups in the city working for renters' rights. When the landlord appealed the January decision and another hearing was scheduled six months later, not only were members of the 825 Post Association at the hearing but representatives from other community organizations, the SF Tenants Union and the SF Housing & Tenants Council. The landlord's appeal was essentially denied at this hearing.

The group was also growing internally. Six more residents decided to file a joint reduction in services petition and the original 22 filed another petition for reduction of services, based on a lack of hot water and heat in the winter and reduced management services. The outcome of these petitions is not known at this time, but an outgrowth of the filing was that the landlord and tenants agreed to meet for thirty minutes a week for three weeks to discuss shared problems, such as halls, sidewalks, elevator and pest control services.

The association recently offered to share their research and knowledge with another group of apartment building residents who are faced with proposed rent increases. As Irene Garay, now treasurer of the association, says, "The idea behind this association is that it is good for everyone, not just the individual." They certainly seem to be proving their point. □



## RANDOM HOUSING NOTES

by Anne Random

Berkeley ¶When the Berkeley rent control law case comes before the Supreme Court, in early November, Myron Moskowitz will be part of the defense team. Moskowitz had quit the case in June, after being relegated to co-counsel and having contractual problems. Now, with a higher fee and assurance that he will play a key role in the case, Moskowitz is back. It will be his first US Supreme Court appearance.

SF ¶Tenants won a class action lawsuit against the Aranda Hotel at 64 Turk Street. The \$240,000 settlement was based on the hotel's not providing tenants with adequate heat and hot water. Persons who lived there during a specified period may file for compensation of between \$6 and \$10 per day spent at the hotel.

## Joe's Corner

There is a group of bills in Sacramento called the '1985 Homelessness Recovery Package.' Please write Speaker Willie Brown, Senator David Roberti and Governor Deukmejian demanding their passage - the Homeless need our help desperately!! Write now!!! We of OSMHC have been leaders in the fight to help the homeless. - Joe Lacey, Chairman

Nearly 1,100 occupants are affected. Claim forms may be obtained from Michael M Carlson at Morrison and Foerster, 777-6000.

SF ¶The new Housing Authority Executive Director is James Clay. The former director, Carl Williams, resigned at the end of February when financial and operational disasters were disclosed.

SF ¶The Board of Supervisors extended the South of Market office moratorium until January 6, 1986, but since the vote took place after its expiration, the area was without protection for over a month. Susana Montana, Planning coordinator, said the market is soft south of Market, where the vacancy rate is 25%.

SF ¶According to a recent survey by the Building Owners and Managers Association (BOMA), the city-wide office vacancy rate is 5.9%. That includes a 6.3% vacancy rate in the Financial District, where buildings are sprouting up like poison mushrooms in a shady forest. It was estimated that vacant space in the area will double over the next year. The Downtown Plan as approved will contribute to the longterm overflow.

SF ¶The Planning Commission voted 5-1 approving a highrise apartment development south of Market Street, at the top of Rincon Hill. Sue Bierman, who cast the dissenting vote, said the towers were too high and would block light and sun from reaching neighboring areas; Mike McGill of the San Francisco Planning and Urban Research Association said, "Yuppies need housing, too." □

## Updated Calendar

Oct 2 5:15 PM  
Wed OSMHC GENERAL MEETING  
\*\*\* Raffle Drawing \*\*\*

Oct 5 2:00 PM  
Sat Membership/Outreach  
Committee meets

\* Visitation Valley Fair \*

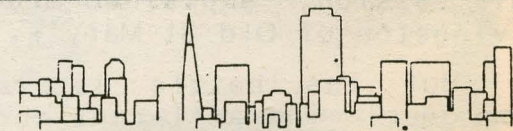
Oct 14  
Deadline for Nov UPDATE

Have fun while helping the UPDATE staff. Please phone the Housing Committee office.

Oct 16 5:15 PM  
Wed OSMHC Board Meeting

Nov 6 5:15 PM  
WED OSMHC GENERAL MEETING

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



## Know Your Rights

### CAPITAL IMPROVEMENTS : CAPITAL PUNISHMENT

by Erica Silverberg

True or false: If you live in a rent controlled building in San Francisco, your rent can only be raised 4% a year. This is true if your landlord doesn't exercise his/her rights under the Rent Control Ordinance to pass through additional increases to tenants. There are several compromises in our Ordinance which are meant as an incentive for landlords to maintain their buildings to code and to compensate them for increased operating expenses or utility rates. In every pass through case, the tenant has a right to question and to object.

A Capital Improvement pass through, sometimes known as Capital Punishment by tenants, is a complicated procedure designed to repay landlords for improvements made on their own property. By Ordinance definition, Sec. 37.2 (c), Capital Improvements are "those improvements which materially add to the value of the property, appreciably prolong its useful life, or adapt it to new uses, and which may be amortized over the useful life of the improvement of the building."

Before passing through Capital Improvement costs to tenants, the landlord must file an application with the Rent Board before mailing or delivering proper legal notice of rent increase to the tenants affected by the pass through. Legal notice must indicate which portion of the rent increase reflects the capital improvement charges and which reflects other allowable amounts, such as the annual increase.

The importance of this notice is not just to establish the pass through's legality; you can also make sure that your rent increases aren't coming on top of pass throughs!

A landlord cannot get pass

throughs certified if the work was performed before April 15, 1979. The work must comply with Housing and Building Inspection Codes. Finally, the landlord must not have already increased your rent to reflect the cost of the improvements or have been compensated for the work through insurance proceeds. Buildings subject to RAP (Residential Rehabilitation Loan Program) loans in designated RAP areas (prior to July 1, 1977) are not subject to capital improvement pass throughs.

In general, hearings are supposed to be held within 45 days after an application is filed with the Rent Board. Pass throughs are retroactively accumulated from the time the landlord gave notice of increase to the tenants. Pending a decision from the Rent Board hearing, pass throughs are amortized over seven or ten-year periods. It is very important to have well-documented arguments against capital improvement pass throughs and it is the tenant's right to question the landlord's bills, addition, reasons for improvement, or other errors at the hearing.

Tune in next month for "Capital Punishment, Part II."

## UPDATE

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Editor: Gary Tutin

Layout Editor: Charles Rathbone  
Copy Editor: Louise Squerl

Editorial: Bruce Livingston  
Bernd Pick Anne Random  
Charles Rathbone Jodi Reid  
Erica Silverberg Judith Vasos

Art: Dorothy Drew  
Sean O'Driscoll

Banner: Liane Esstelle



Tenant team won landlord-tenant tug-of-war.

## 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.

- ☐ \$ 5 Low Income Membership
- ☐ \$15 Regular Membership
- ☐ \$25 Supporting Membership
- ☐ I'd like to volunteer a few hours a month to help preserve affordable housing.
- ☐ \$50 Sponsoring Membership
- ☐ \$\_\_\_ Other

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ADDRESS \_\_\_\_\_

ZIP \_\_\_\_\_

PHONE (home) \_\_\_\_\_

(work) \_\_\_\_\_

Please make check payable to:

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San Francisco, CA 94108

Contributions are tax-deductible.

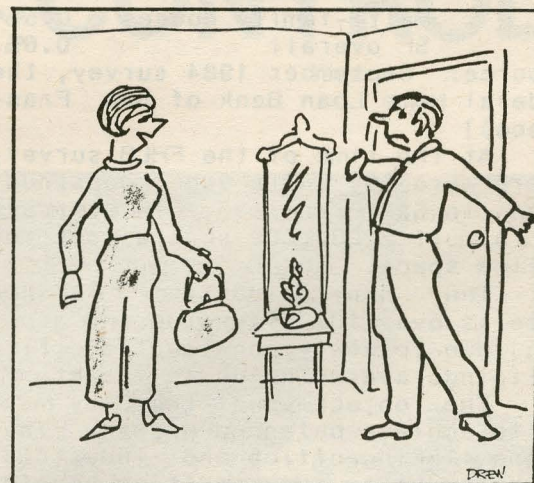
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FOR HEAVEN'S SAKE HENRY - IT'S NOT THE LANDLORD - IT'S THE PIZZA MAN!

## EVICITION BILL PASSES

The California Assembly voted unanimously (78-0) to approve a bill allowing landlords to evict all their tenants and take their rental property off the market. SB 505, sponsored by Senator Jim Ellis, now goes to the Governor's desk where, once signed, it becomes law beginning July 1, 1986.

It is uncertain how the bill will affect the San Francisco Rent Law, since one of the twelve just causes for eviction is the permanent removal of unit(s) from housing use. Prior to the bill's passage, city officials were very concerned about the increase in evictions which might ensue. They offered several amendments to protect tenants.

In its amended form, SB 505 would enable San Francisco to enact strict sanctions against property owners who might evict tenants by claiming to "go out of business," only to re-enter the market later with higher rents. The bill, as amended, allows the tenants the right to reoccupy the property if it returns to the rental market within ten years. They may also sue the owner involved for damages and moving costs. Rental units taken off the market would have to comply with local rent control laws. If the property is put back on the rental market within 8 years, the rents would be controlled as though the unit had not been vacant.

Several strong rent control advocates voted for the bill's passage. Assemblyman Tom Bates (D-Berkeley), a staunch supporter of tenants' rights, stated in an interview with *The Daily Californian*, "I don't think the bill does any harm to renters the way it was amended, even though I had a lot of reservations going in." The amendments diluted the possible harm to tenants. The obvious problem with the bill is its precedent in allowing essential residential housing to be removed from the rental market. It will probably be especially noticeable with single family units, which prospective buyers would be more likely to purchase when vacant.

Each municipality may determine how and if enabling legislation for SB 505 will be enacted. "We will be monitoring this bill very closely once it comes under the jurisdiction of the SF Board of Supervisors," promised Joe Lacey, chairman of Old St. Mary's Housing Committee. "We will make sure that tenants are protected from evictions that this bill might cause."



## VIEWPOINT

### ON PROP. F

by Bernd K Pick

In San Francisco, as in all of the Bay Area, residential construction is neglected in favor of non-residential construction. This preference is shown in the vacancy rates:

Single houses	2.0%
Multi-family houses	0.5%*
SF overall	0.6%

[source: September 1984 survey, the Federal Home Loan Bank of San Francisco]

At the time of the FHLB survey, there were 202 units under construction in San Francisco, in contrast to almost 2,000,000 square feet of office space.

The non-residential vacancy rate is over 10% city-wide and growing, due to newly constructed office buildings averaging 68.4% vacant.

The objective of the City must be to achieve balanced growth. That means linking office and industrial development to the resulting housing needs - linking the size and income brackets of the work force to residential construction.

The Planning Code needs to be amended so that for (about) each 500 square feet of non-residential construction permitted, one dwelling unit is created. The cost structure of occupancy has to parallel the income structure of the created workplaces. (The City Planning Code shows each 250 square feet of office space as creating one work place.) Prop F doesn't address this problem.

1. The proposed law exempts buildings of less than 50,000 square feet city wide. Whether that 50,000 represents actual square footage or the Planning Commission's strangely constructed "net addition" is unclear and disputed.

2. Prop F would be used against all neighborhood zoning ordinances where 50,000 square feet is out of proportion. For example, a 3-flat Victorian has a square footage of 4,500 to 5,000.

3. The office construction rate has averaged 3,000,000 square feet a year since 1980, with its current peak of 3.5 million in 1984/85. A moratorium on permits would allow, even legitimize, unrestricted construction for the next four to five years. The proposed permit moratorium of 3 years does nothing.

4. Prop F does not address the need for housing and infrastructure, and who will pay for them. To defer these important questions to future initiatives allows the creators of the imbalanced growth to deflect from their responsibility and hide behind Prop F. (By calling the recently enacted Downtown Plan restrictive which, in fact, it is not, developers use the Plan as a shield against real restrictions.)

If the author intended to avoid all of these pitfalls, he has had ample opportunity ignoring them in favor of a hastily, single-handedly drafted proposition presented in a predictably low-turnout election. To go around later saying that we have to support his proposition because it is on the ballot is irresponsible and destructive. Residents' efforts are necessary in order to guarantee balanced growth, or, viability with affordability in San Francisco. □

\*50% are condos, like Opera Plaza, Playland

\*\*lowest in seven years

UPDATE welcomes readers' viewpoints. Opinions expressed are not necessarily those of the staff or the Housing Committee.

## St. Peter's Housing Committee

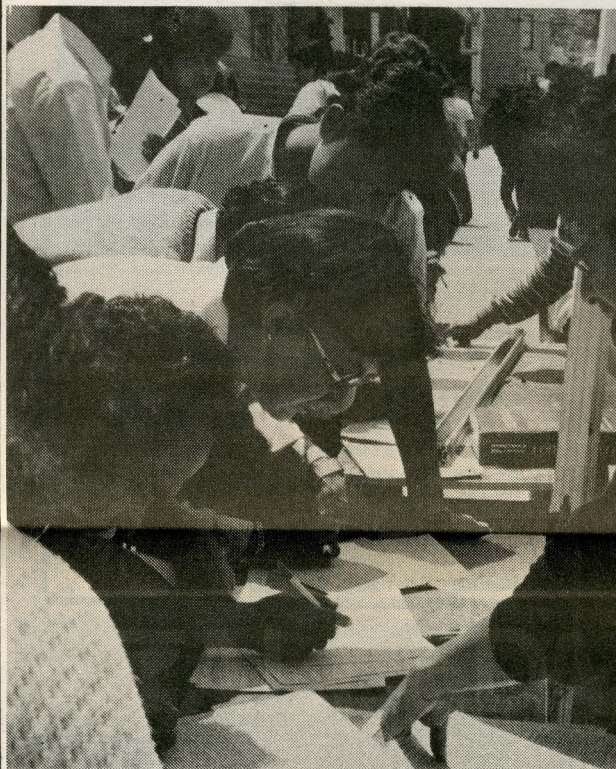
by Herbert Hernandez

At St Peter's, we have been celebrating the arrival of our new pastor, Father Bill Justice. With Father Justice's support, we hope to accomplish many more endeavors. We expressed that desire in a dinner St Peter's Housing Committee organized along with the other parish committees involved with social justice.

Last month, the staff and coordinating committee held our "day-away" and emerged with concrete tasks to accomplish. While the goal is to build a strong tenants' rights organization, we have to work in little steps to reach it. We're planning a 12-hour intensive training session for early October. Some of our members want information such as what power the Rent Board has on evictions. We committed ourselves to recruiting forty members by the middle of October and electing a Board of Directors by October 30. We are working to have a garage sale. We are extending our office hours to five afternoons a week, with more participation of members in staffing the office. We gladly

welcome back Tessa Rouverol to our staff.

Our files show 60 cases settled in favor of tenants after we wrote letters or went with tenants to the Rent Board. However, there are many more cases pending and hearings scheduled. During the week of September 16, we can celebrate two little victories, the first for tenants at 1547 Noe Street, where the landlord, Gibraltar Savings, wanted the tenants to leave. The tenants learned they had the right to stay, even though there was a new owner, and the landlord withdrew the eviction notice. In the second, the tenant, Victorico Martinez, demanded repairs and services. The landlord refused, and even sent a thirty day notice to move out. On several occasions the landlord came yelling at Mrs Martinez and her children, "Get out of my property." The day of the Rent Board hearing, the landlord just sat calmly and meekly as the hearing officer told him, "No, you cannot evict them." Then the landlord agreed to make the repairs the very same week. □



St. Peter's Housing Committee collect signatures on post-cards to stop AB 483. Commun-

## FAIR FUN

For four days in September, Old St Mary's volunteers ran a mini-Housing Committee office in Fort Mason Center. Over 60 members participated in the San Francisco Fair, counseling tenants and landlords, and signing them up for Housing Committee events. One of our most recent recruits, a long-necked, spotted fellow named Jeremy Giraffe, helped sell gi-affle tickets, getting people to "stick their neck out for rent control." Member Dolores Cathro's dog, clothed in a "jump up for rent control" t-shirt, performed for booth visitors by acting out the words on his shirt.

While the giraffe and dog delighted children and parents at the Fair, it was the spirit and energy of our volunteers that carried us through the weekend. We raised over \$700 through raffle sales, with members John Prysbelinski and Rita Patton leading the way! The Housing Committee booth raised additional funds and provided an escape valve for tenant-landlord aggressions through its 'Bean Your Landlord' game. Speaking as she tossed a bean bag through the cartoon character's mouth, one member said, "I've always wanted to put my money where my landlord's mouth is - and now I can do it painlessly and win a prize, too!" Of course, landlords were eager to "bean their tenants" too. All in all the Fair was lots of fun. Thanks to all the volunteers who helped out. □

## Legislative Beat

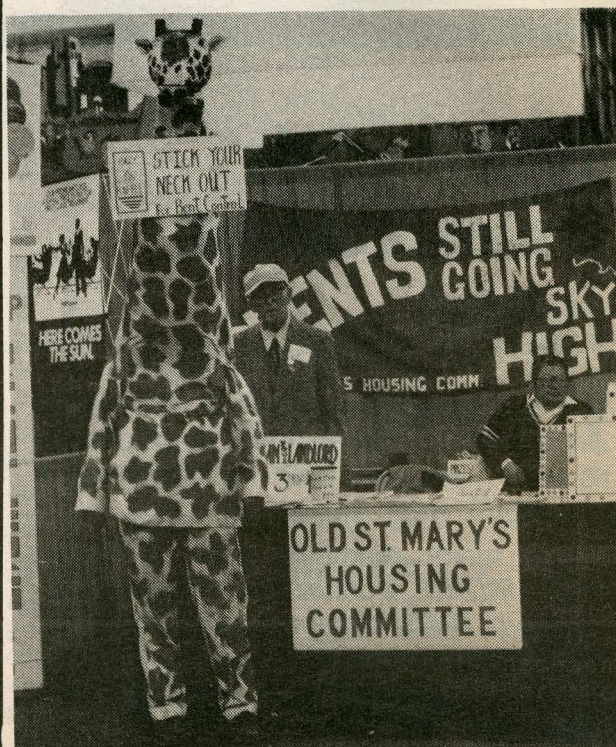
by Gary Tutin

The six bills comprising the 1985 Homeless Recovery Package are designed to finance temporary shelters for the homeless, help individuals and families find permanent shelter and assist veterans, who comprise a large percentage of the homeless population.

Two of the bills, AB 146 (Naylor) and SB 478 (Petrus), are on the Governor's desk. The first helps finance low income housing rehabilitation. The second funds demonstration projects to help families maintain their permanent residence through a financial crisis.

Old St Mary's Housing Committee urges you to write or phone the Governor asking him to sign these bills and the entire Homeless Package into law. Send a carbon or copy of your letter to Willie Brown, David Roberti and the sponsor of the particular bill. Mention that you are a member of the Housing Committee and concerned about the Homeless crisis in the state. The other bills in the package are AB 1262 (Davis), AB 1929 (Bates), SB 466 (Watson) and SB 549 (Deddeh).

The Governor's address is:  
Governor George Deukmejian  
State Capitol  
Sacramento CA 95814 □



Jeremy Giraffe at Old St Mary's fair booth.