



LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors
From: Alexa Delwiche, Office of the Legislative Analyst with assistance by Frances Zlotnik and Rochelle Sazegari
Date: May 13, 2009; Revised August 14, 2009
Re: **Owner Move-In Evictions and Displacement of Families** (BOS File No. 021-09)

SUMMARY OF REQUESTED ACTION

The Board of Supervisors approved a motion introduced by Supervisor Mar requesting that the Office of the Legislative Analyst research and obtain information on families with children who are evicted each year through the Owner Move-In (OMI) eviction process. The Supervisor requested that the OLA work with all family service providers, eviction defense groups, owner or apartment associations, and tenant groups, to obtain data (hard numbers or anecdotal) that lend information to how many families face OMI evictions each year. Supervisor Mar also requested that the OLA find out how many families are threatened by OMI evictions and take relocation monies without reporting these numbers to the Rent Board.

EXECUTIVE SUMMARY

Significant data limitations prevent a precise estimate of the number of families with children affected by evictions because a thorough tracking system currently does not exist. Therefore, a range of estimates was calculated based on data from the Residential Rent Stabilization and Arbitration Board (Rent Board), San Francisco Unified School District data, eviction defense groups, and tenant groups. At least 18 families in San Francisco were affected by OMI evictions from 2008 to 2009, however a high range estimate calculates over 45 families. These estimates fail to include the extent to which oral OMI notices occurred and families with children vacated their unit accordingly without the Rent Board being notified, which according to a few tenant advocacy organizations is among tenants' most frequent reasons for seeking counsel. The number of families affected by OMI evictions is small relative to the number of annual at-fault just cause evictions affecting renter families. Nonetheless the effects of eviction on the individual families are significant.

INTRODUCTION

Tracking Displacement of Families with Children

A 2006 OLA report documented the negative effects of residential mobility on families with children. The report concluded that while numerous studies document the detrimental effects of displacement on children, the frequency with which families with children experienced eviction related displacement was unknown.

Subsequently, the Board of Supervisors passed an ordinance requiring the Residential Rent Stabilization and Arbitration Board (Rent Board) to track the number of evictions involving school age children, including data on whether the evictions occurred during the school year. In addition, the Board passed a resolution urging the San Francisco Unified School District to track mobility caused by residential evictions and to report its findings to the Board.

In March 2008, the Rent Board began reporting its findings to the Board of Supervisors in its annual statistical report of eviction data. Thus far, the School District has not reported its findings to the Board. While they have the capability to track student mobility, they do not have the ability to determine whether student movement is caused by evictions.

This report attempts to quantify only the number of Owner Move-In evictions involving families with children. The report will first provide an overview of San Francisco's rental housing market and the main reasons for evictions in a primarily rent-controlled city, followed by a brief background of the OMI eviction process in San Francisco. It will then summarize OMI data from a variety of sources and present key findings based on a data analysis. Finally, the report will offer recommendations on ways to more effectively track and prevent OMI evictions from displacing families with children.

BACKGROUND

Overview of San Francisco's Rental Housing Market

Over 60 percent of the housing units in San Francisco are renter occupied.¹ Fueled by a low supply of rental units and a low vacancy rate, San Francisco is the third most expensive county in the nation for renters.² Thus, the policy of rent control in San Francisco has become an important provision to protect renters from paying excessive rent in a competitive rental housing market. Rent control covers roughly 70 percent of the rental housing stock in San Francisco. Rent control restricts the annual amount by which owners can increase rent on rental housing units built before 1979. However, when a tenant vacates a rental unit either voluntarily or involuntarily, the unit can once again be rented at the market rate. There is no limit on the amount of rent the owner may first charge the tenant when renting a unit.

Types of Eviction Notices

Rent control restricts evictions to "just cause" evictions. Eviction is a legal process initiated by a written warning notice, followed by a court summons known as an unlawful detainer. There are fourteen just cause reasons for eviction, which fall into two categories: at-fault and no-fault evictions. Between March 2008 and February 2009, owners filed 1,430 eviction notices with the San Francisco Rent Board.

The main reasons the owner initiates an at-fault eviction include:

¹ U.S. Census Bureau, "American Community Survey, 2007", <http://www.census.gov/acs/www/>

² National Low Income Housing Coalition, Out of Reach 2009- Least Affordable Jurisdictions. At <http://www.nlihc.org/oor/oor2009/>. Nantucket County and Marin County rank 1st and 2nd most expensive counties. San Francisco metropolitan statistical area ranks 2nd to Stamford-Norwalk, CT for the most expensive MSA's in the nation. San Francisco's current vacancy rate is approximately 4.5 percent, while a 5 percent vacancy rate is generally considered a fully rented market.

- 1) Non-payment of rent or habitually late payment of rent (185 notices)³
- 2) Violation of the terms of the rental agreement or breach of rental agreement (433 notices)
- 3) Creation of a substantial nuisance (311 notices)

The vast majority of evictions involve non-payment of rent.⁴

The five main types of no-fault evictions include:

- 1) Owner/relative move-in (159 notices)
- 2) To sell a unit in accordance with a condominium conversion (3 notices)
- 3) Demolition or permanent removal from housing use (34 notices)
- 4) Substantial rehabilitation (0 notices)
- 5) Ellis Act evictions⁵ (192 notices)

The most common reasons for no-fault evictions are related to Owner Move-In evictions and Ellis Act evictions, accounting for 41 percent and 49 percent respectively. This report focuses on the Owner Move-In eviction, as it is the primary type of no-fault just cause eviction of sizable proportion, over which the San Francisco Board of Supervisors has jurisdiction.

Background on OMI Evictions

Under “Just Cause” Section 37.9 subdivision (a)(8), allows an Owner Move-In (OMI) eviction to occur when the owner or a family member intends to move into the unit. The law requires that the owner act “in good faith, without ulterior reasons and with honest intent.” In 1998, voters passed Proposition G, which placed key restrictions on the OMI eviction process. These provisions include:

- The owner or relative must intend to move in within 3 months and occupy the unit for 36 continuous months for the eviction to be legal.
- Limits evictions for relatives to buildings where the owner lives or is trying to move in. Only one specific unit per building could be recovered by OMI eviction and occupied by an owner, even where there is more than one owner. That specific unit would be the only unit future owners could use an OMI eviction to recover and occupy. The owner may file a petition with the Rent Board if an owner’s disability or similar hardship prevents the owner from occupying a unit in the building previously occupied by the owner.
- Makes the term spouse include a registered domestic partner for OMI eviction purposes
- Protects senior, catastrophically ill (who have been living in unit for 5 years or more) and disabled tenants (who have been living in a unit for 10 years) from OMI evictions.

In 2006, voters passed Proposition H, which requires owners to provide relocation payments to tenants who have lived in a rental unit for 12 or more months when an owner initiates a no-fault eviction. Relocation benefits are adjusted for inflation annually. Currently tenants are entitled to

³ Statistics reflect eviction notices filed by landlords with the Rent Board from March 2008 through February, 2009. Residential Rent Stabilization and Arbitration Board, “Annual Eviction Report”, March 13 2009. http://www.sfgov.org/site/rentboard_page.asp?id=6014

⁴ Notices to vacate that are filed with the Rent Board are the primary source of eviction data. Because landlords are not required to file notices to vacate involving non-payment of rent, the Rent Board statistics do not reflect the true number of annual evictions.

⁵ A state law which allows landlords to evict all tenants in a building in order to take the building off the rental market.

receive \$4,941 per tenant up to maximum of \$14,825, plus an additional \$3,295 for senior or disabled tenants or households with children (under 18).⁶

Overview of OMI Eviction Process

An owner initiates the Owner Move-In (OMI) eviction process by serving a written notice to vacate upon the tenant. From the time of service, the tenant has 60 days to vacate the unit. The owner must file a copy of the written notice with the Rent Board within 10 days of serving the OMI notice.⁷

Failure of the tenant to comply with the terms of the notice may result in the owner filing an unlawful detainer complaint with the court. If the owner files a complaint, the tenant must then be served with a copy. Within five days, the tenant must file an answer to the complaint or the tenant risks defaulting without a court hearing. After the tenant responds, the Court will set up a settlement conference, at which time both the owner and tenant can present their arguments and possibly come to an agreement. If no agreement is reached at the settlement conference, the case will go to a jury trial.

If the owner wins the court decision or if the tenant neglects to answer the summons, the owner may enforce the judgment by applying for issuance of a “writ of possession” from the court clerk. The writ is then transferred to the Sheriff’s Department, which serves the writ on the unit being reclaimed. The tenant has five days to vacate the unit. Once the tenant receives the Sheriff’s notice, he or she can file a motion in court asking for another week. During this stage of the eviction process, the San Francisco Sheriff’s Department runs an Eviction Assistance Program (EAP), which assists families, elderly, disabled and indigent civil evictees by coordinating services with dozens of community assistance agencies throughout San Francisco, which can help prevent the eviction.⁸ If the tenant fails to remedy the situation and vacate the unit within the allotted time, the sheriff may forcibly remove the tenant.

DATA

The Rate of Owner Move-In Evictions

Between March 2008 and February 28, 2009, a total of 159 OMI notices were filed with the Rent Board. OMI evictions make up approximately 11 percent of the 1,430 evictions in San Francisco (excluding those related to non-payment of rent, which likely occur with the greatest frequency), according to data collected by the San Francisco Rent Board.

During the late 1990’s and early 2000’s, owners used OMI evictions with much greater frequency, accounting for between 70 to 90 percent of no-fault evictions.⁹ Beginning in 2002, OMI restrictions instituted by the passage of Prop G coupled with the effects of an economic downturn on the rental housing market caused a sharp decline in the number of annual OMI

⁶ Residential Rent Stabilization and Arbitration Board, “Relocation Payments for Evictions based on Owner/Relative Move-in OR Demolition/Permanent Removal of Unit from Housing Use OR Temporary Capital Improvement Work OR Substantial Rehabilitation”, 3/01/09 – 2/28/10 available at <http://www.sfgov.org/site/uploadedfiles/rentboard/docs/documents/579.pdf>

⁷ This law applies to all notices to vacate except for Three-Day Notices to Pay Rent or Quit.

⁸ Ilene Hirst, Sheriff Hennesy’s Chief of Staff, Sheriff’s Eviction Assistance Program, phone interview, April 28, 2009. The EAP prevents evictions in more than 50% of the cases involving families with children.

⁹ San Francisco Department of Public Health, “Healthy Development Measurement Tool”, http://www.thehdmt.org/indicator.php?indicator_id=194. Page accessed on April 23, 2009.

evictions. Over the past several years, Ellis Act evictions have accounted for a greater percentage of no-fault evictions. In 2008, OMI evictions accounted for 41 percent of the total no-fault evictions in San Francisco and Ellis Act evictions accounted for 49 percent.

While OMI's notices are the second leading type of no-fault eviction notices filed with the Rent Board, the actual number of OMI notices has decreased markedly. OMI evictions have fallen by about 90 percent since their peak in 1998 from 1,544 OMI notices filed in 1998 to 159 notices filed in 2008. Ellis Act evictions have dropped by 50 percent since their peak in 1999 from 423 notices filed in 1999 to 192 notices filed in 2008. Some tenant attorneys and advocates anticipate an increase in OMI evictions from owners who may decide to move from single family homes into their apartment buildings due to the collapse of the housing industry.

An Estimate of Families Affected by OMI Evictions in 2008-2009

Significant data limitations prevent a precise estimate of the number of families with children affected by evictions because an accurate tracking system currently does not exist. Because information on OMI's affecting families is limited, the OLA calculated a low and high range estimate of the number of affected families based on several assumptions, which will be explained in the following sections.

We are certain that at least 18 families were affected by OMI evictions from 2008 to 2009, however our high range estimate calculates over 45 families. Importantly, these estimates fail to include the extent to which verbal OMI notices occurred and families with children vacated their unit accordingly without the Rent Board being notified.

1. Rent Board & Superior Court Data

The most accurate way to estimate the number of families impacted would be to obtain familial status information from the notices filed by owners with the Rent Board. However, while owners are required to file notices with the Rent Board for all evictions (except for non-payment of rent), they are under no obligation to report on the notices whether children are involved with the eviction.¹⁰

Due to their inability to use notices filed by the owner to obtain information on familial status, the Rent Board uses tenant filings of Alleged Wrongful Evictions (AWE) to determine whether families with children are involved in evictions. AWE's are filed if a tenant believes an eviction is in violation of the Rent Ordinance. Rent Board statistics on AWE's show that tenants rarely contest OMI evictions at the Rent Board.¹¹

Thus, while 159 OMI notices were filed by owners, only 24 AWE's were filed to contest the notices. Of the 24 AWE's filed, nearly 17 percent (or 4) of the cases involved children.¹² According to Rent Board staff, all of the cases occurred during the school year. Three of the

¹⁰ Jennifer Rakowski, Supervisor, Rent Board, phone interview, April 22, 2009.

¹¹ OMI's account for only 5 percent (or 24) of the 524 Reports of Alleged Wrongful Eviction filed with the Rent Board during the same period.

¹² Families with children under the age 18 occupy over 20 percent of the renter occupied housing units in San Francisco. Nearly half of San Francisco's children occupy rent-controlled units, which makes up roughly 13 percent of rental housing stock in San Francisco. Joe Grubb, "San Francisco Tenant Survey", Bay Area Economics, 2002. Available at <http://www.sfgov.org/site/uploadedfiles/rentboard/docs/tenantreportfinal.pdf>.

cases involved one child each and one case involved three children, totaling six children affected by OMI evictions.

In addition to the AWE filings, the OLA searched the Superior Court database with the names of the tenants who received OMI notices to determine how many notices to vacate eventually resulted in an unlawful detainer complaint and whether any of these cases involved children. Thirteen of the 150 unique cases resulted in an unlawful detainer complaint being filed by the owner, however 24 of the 150 cases were unavailable for public view, which may mean the notices resulted in an unlawful detainer and the case is still underway.¹³ At least 5 of the 13 cases involved children. The 4 AWE filings involving 6 children and the 5 families identified in the UD cases, total to 9 families affected by OMI evictions in 2008-2009.

2. San Francisco Unified School District Data

Additionally, The OLA contacted SFUSD for assistance in determining whether children lived at the addresses listed on the 150 unique OMI notices filed at the Rent Board. SFUSD's Office of Research, Planning and Accountability (RPA) used the notice data to cross-check the addresses where OMI evictions occurred with their student tracking database.¹⁴

SFUSD was able to confirm 10 families with 12 SFUSD students living at those addresses. Five of the 10 evictions occurred during the school year. Of the 12 students, only one student left the district two months after the eviction date. However there is no explanation of why the student moved. Only one of these families duplicated the Rent Board/Superior Court data. Thus, we are certain that at least 18 families were affected by OMI evictions from March 2008 through February 2009.

3. Data from Service Providers, Eviction Defense and Tenant Advocacy Groups

Dozens of service providers, tenant advocacy groups, and eviction defense groups in the Bay Area counsel, assist with payment of rent, and represent thousands of tenant families facing eviction each year in San Francisco. While several of the tenant organizations consistently counsel tenants regarding the threat of OMI evictions, several other service providers and tenant attorneys reported that they very rarely confront OMI evictions when working with their client families. This difference is most likely explained by the different tenant populations they serve and the type of services the organization provides. Nonetheless, it is important to note that not all tenant advocates agree on the magnitude of the OMI eviction problem.

While the rate of actual OMI notices given to tenant families is low, San Francisco Tenants Union, Housing Rights Committee and Saint Peter's Housing Committee report that the threat of OMI evictions to tenants by their owner is among the most frequent reasons for which families seek counsel.¹⁵ Eviction threats account for the majority of Saint Peter's Housing Committee's

¹³ Eleven of the OMI notices filed were duplicates (filed twice by a landlord against the same tenant). Therefore there were 150 unique tenant households involved with OMI evictions in 2008-2009. Two of the AWE's filed by tenants did not have a corresponding OMI notice and should be included in the total number of tenants affected by OMI evictions.

¹⁴ Data analysis conducted and provided by Chris Armentrout, Development and Local Government Relations, San Francisco Unified School District and Janice Link, Office of Research, Planning and Accountability (RPA), San Francisco Unified School District, June 2, 2009.

¹⁵ Tommi Aviccolli Mecca, Director of Counseling Program, Housing Rights Committee, telephone interview, April 23, 2009. Mariana Viturro, Co-Director of Saint Peter's Housing Committee, telephone interview, April 29, 2009.

cases; averaging roughly 400 cases per year. One tenant who recently sought counsel from the San Francisco Tenants Union regarding the threat of an OMI eviction wrote,

“I find it insulting, that our landlord, who I have paid rent to every month for 8 years has the audacity to verbally ask us to move out in 30 days, especially in the middle of the child's school year. They gave our downstairs neighbors a similar verbal eviction for a relative move in and they never moved any relative in. They just rented it to some new tenants who I assume were willing to pay more.”

Another tenant recounted that “we lived in our apartment for 18 months when the landlord informed me he was moving back into the house with his elderly mother.” In neither case, was a tenant properly served a notice. The frequency with which families are orally evicted and move is difficult to capture.

Detailed data from specific groups include:

Family Service Providers: The majority of organizations provide counseling, legal assistance and financial assistance for families facing eviction due to non-payment of rent. San Francisco’s Human Services Agency’s Eviction Prevention Program annually provides grants to service providers for approximately 600 families struggling to pay rent. Catholic Charities receives the majority of the grants for housing assistance.¹⁶ Glide Memorial receives a smaller proportion. Neither of these organizations reported assisting any tenants involved with OMI evictions.¹⁷

Eviction Defense Groups: The Eviction Defense Collaborative (EDC) advises tenants on roughly 90 percent of contested evictions. In 2008, Eviction Defense Collaborative counseled approximately 2,416 families that were either being evicted or trying to prevent an eviction.¹⁸ Because tenants so rarely contest OMI evictions and EDC handles primarily contested eviction cases, EDC handles a small number of OMI cases each year. Over four years FY05-06 to FY 08-09, EDC represented 72 tenants facing OMI evictions, 21 (or 29%) of which involved families with children.¹⁹ In 2008, Bay Area Legal Aid assisted 401 individuals and families in San Francisco with eviction related problems, but they have not seen an OMI case in several years.²⁰

Tenant Advocacy Groups: The San Francisco Tenants Union, Housing Rights Committee, St. Peter’s Housing Committee, Chinatown Community Development Center, and Tenderloin Housing Clinic, along with several other organizations, counsel tenants and provide legal advice to tenants to avoid displacement. The actual number of OMI eviction cases each organization receives each year is small relative to other types of cases they receive. The Tenderloin Housing Clinic rarely assists tenants with OMI evictions.²¹ Low numbers for a few groups is largely due to inconsistent identification of eviction types during client intake sessions. From 2005 to 2008, Saint Peter’s counseled at least 21 tenants regarding OMI evictions, 7 (or 33%) of which

¹⁶ Cindy Ward, Director, Eviction Prevention Program of Human Services Agency, phone interview, April 28, 2009.

¹⁷ Deneen Jones, Counselor, Glide Memorial Church, phone interview, April 27, 2009. Jose Cartajena, Program Manager, Catholic Charities, phone interview, April 24, 2009

¹⁸ Kathy Harr, Eviction Defense Collaborative, e-mail correspondence, April 30, 2009.

¹⁹ Miguel Wooding, Executive Director, Eviction Defense Collaborative, phone interview, April 24, 2009.

²⁰ Arnold Ellis, Managing Attorney, Bay Area Legal Aid Foundation, phone interview, May 8, 2009.

²¹ Randy Shaw, Executive Director, Tenderloin Housing Clinic, phone interview, April 23, 2009.

involved families with children.²² Chinatown Community Development Center is currently working on two OMI cases.²³

4. OLA Estimate of Families Affected by OMI Evictions

Low-Range Estimate: The 4 AWE filings involving 6 children and the 5 families identified in the unlawful detainer cases, as well as the 9 families with 11 students identified by SFUSD, total to 18 families affected by OMI evictions from March 2008 through February 2009.

If OMI evictions are truly a random occurrence, then tenants with children who receive OMI notices should be proportional to the approximately 13 percent of rent-controlled units occupied by families with children in San Francisco.²⁴ The OLA determined that at least 12 percent (18 out of 150 notices) of the OMI eviction notices involved families with children, almost proportional to the number of rent-controlled units occupied by families with children.

High-Range Estimate: If owners are more likely to choose to move into a multi-bedroom apartment or if there is any other non-random reason whereby owners may use OMI notices to evict families with greater frequency, the proportion of families receiving OMI notices could potentially be higher. Interestingly, data from the Eviction Defense Collaborative and St. Peter's Housing Committee confirm such an assumption.

The Eviction Defense Collaborative found that a higher rate (29%) of families face OMI evictions than other types of evictions. This eviction rate is a few points lower than the reported rate (33%) of families affected by OMI's at St. Peter's Housing Clinic. By contrast, between 18 to 20 percent of other eviction cases handled at EDC involved families with children during that same period. Thus, if we applied a 30 percent average OMI eviction rate to the 150 unique OMI notices filed at the Rent Board, roughly 45 of the eviction notices would involve families. Importantly, this estimate does not account for families that move following an oral eviction notice, so the number of families affected by OMI evictions could surpass even the high range estimate.

²² Mariana Viturro, Co-Director, Saint Peter's Housing Committee, e-mail correspondence, 5/12/09. The actual number of OMI cases is likely higher, as the number provided is only based on the cases that were identified as Owner Move-in. There are several other OMI's that were likely identified broadly as "evictions".

²³ Jess Liu, Housing Counselor, Chinatown Community Development Center, phone interview, May 12, 2009.

²⁴ Families with children occupy roughly 20% of all rental units in San Francisco. Approximately 82% of rental units occupied by families with children are rent-controlled. Roughly 13% of rent-controlled units are occupied by families with children.

FINDINGS

FINDING 1

Significant data limitations prevent the Rent Board from accurately tracking and reporting the number of families affected each year by evictions in general and OMI evictions in particular.

- The Rent Board's tracking of evicted families relies on voluntary, self-reported tenant filings of Alleged Wrongful Evictions, which are rarely used by tenants affected by OMI notices, thus understating the magnitude of OMI evictions affecting families.

AWE filings significantly undercount the number of tenants with children facing evictions in general, as AWE's only capture data on tenants alleging an unlawful eviction. And as stated above, tenants facing OMI evictions rarely contest the OMI notices they receive. Furthermore, tenants often fail to report on their Alleged Wrongful Eviction filings what type of eviction notice they are contesting and whether they have children. Therefore, the AWE filings do not provide an accurate count of the number of families that received OMI eviction notices as well as eviction notices in general.

- There is no enforcement mechanism to verify owner's compliance in filing of OMI notices. Consequently, data fail to capture the magnitude of OMI evictions.

While the Rent Board's tracking of notices is much more extensive than eviction data in most jurisdictions, the notice data fail to capture the full magnitude of OMI evictions. Owners are required to file the notices with the Rent Board, however there is no enforcement mechanism to verify the owner's compliance in filing. Therefore, the actual numbers of OMI evictions as well as all other types of evictions in San Francisco are likely understated in the Rent Board data.

- Oral notices and subsequent tenant movement are not captured in Rent Board data. This issue poses a serious limitation to our estimate due to the fact that the threat of OMI eviction through owners' use of oral evictions appears to be a larger problem among tenants than the frequency with which the formal legal OMI eviction process occurs.

A common concern raised by several tenant advocates was the use of informal or verbal OMI notices by owners to evict tenants, which is not captured in the Rent Board data. In fact, among the most frequent issues for which tenants seek counsel at the St. Peter's Housing Committee is when an owner tells a tenant that "I'm going to move in." Tenants, unaware of their rights as renters, that receive oral notices may vacate their apartments accordingly. Consequently, their movement is not captured in the data.

FINDING 2

The number of families affected by OMI evictions is small relative to the number of annual at-fault just cause evictions affecting renter families. Nonetheless the effects of eviction on the individual families are significant. Such effects are detailed below.

- Tenants face two challenges in finding replacement housing after they receive eviction notices; low vacancy rates and market prices.

If tenants have lived in a unit for several years, they may not be able to find a comparable unit in the same neighborhood. A survey conducted by the San Francisco Tenants Union (an organization that provides tenant counseling, lobbying, and organizing for San Francisco residents) found that 17 percent of tenants that received notices to vacate moved out of San Francisco entirely, 61 percent moved to new neighborhoods, and 2 percent became homeless.²⁵ Furthermore, the limited supply of affordable rental units in San Francisco creates additional challenges for families in search of limited multi-bedroom replacement housing.

- Tenants' inability to find replacement housing within the same neighborhood or city can disrupt ties to their community and social networks regardless of the tenants' age, however displacement is further complicated when children are involved.

For example, one tenant recounted an example of the implications of receiving an OMI eviction on her child. She wrote,

“It is a tough time right now. We have the constant threat of eviction hanging over our head, and the landlord has asked us three times already about moving. With a child it does add stress, she is only in second grade and her school is close by. She doesn't understand the situation, and why we want her to be quiet as we walk by the landlord's door, and why she has to wait a long time at the tenant's union, and why her parents seem so agitated. An eviction would likely move her farther from her school, making the commute more difficult, moving her from friends, parks, and perhaps force her to change schools. That could be a traumatic situation for a 7 year old.”

- Despite the difficulty researchers have isolating the effect on children of residential displacement from adverse outcomes associated with growing up in poverty (which often leads to residential instability), numerous studies have documented the detrimental effects of residential instability on children. Indeed, mobility during childhood is associated with the slowing of academic progress, decreased social capital, and negative health outcomes. Studies have concluded the following:

- **Health Outcomes:** A relationship exists between residential instability and negative health outcomes for children regardless of family type. Adults who moved often as children were more likely to have low perceptions of physical and mental health later in life.²⁶

²⁵ San Francisco Tenants Union, “Displacement in San Francisco: A Study of Renters Who Have Moved”, 1996.

²⁶ Bures, Regina. “Childhood Residential Stability and Health at Midlife.” American Journal of Public Health, 2003; 93: 1144-1148.

- **Social Networks:** Residential mobility has an inverse relationship to the strength of social networks. Students moving often, to equally unstable environments as they are leaving, experience little benefit and significant harm from a lack of stable social, academic, and environmental consistency.

The nature of the move is also an important factor: unwelcome moves due to eviction or the loss of income create different and more severe stresses than voluntary moves to larger houses or better neighborhoods. In one study, researchers posited that for children who have previously enjoyed a fairly stable and advantaged environment, moving schools or houses is a relatively large shock. Such children may experience more serious negative effects than children who already face severe economic and social stresses.²⁷ This finding is particularly telling of OMI evictions, as tenants can rarely predict when such an eviction will occur.

- **Academic Progress:** Children who are highly mobile are more likely to achieve below grade level, repeat grades more frequently, and have lower rates of graduation.²⁸
- Mobility and San Francisco Unified School District: The effect of evictions on student progress is mitigated to some extent in San Francisco by the San Francisco Unified School District’s Student Assignment System, which places limited importance on residence location when assigning students to schools.²⁹

The SFUSD does not require students who move out of a school’s attendance area to transfer to another school, and in fact discourages such transferring, especially mid-year. Unless a family moves outside of the city, SFUSD allows and encourages students to stay in their current school.

- Regardless of SFUSD’s policies, a move may create difficulties in maintaining a student’s attendance at their school.

San Francisco’s high cost of rental apartments and low vacancy rates, for multi-bedroom houses makes it unlikely that families will be able to locate affordable replacement housing within the same neighborhood. Families without cars may find the school difficult to get to from their new home, and public transit options may be complex, slow, or inappropriate for younger children. Indeed, anecdotal evidence from several tenants confirmed the added burden of moving out of the neighborhood when their children were school-aged. One tenant recounted, “I kept my oldest

²⁷ Alexander, K. L., Entwisle, D. R., & Dauber, S. L. (1996). “Children in motion: School Transfers and Elementary School Performance”. *Journal of Educational Research*, 90, 1-11

²⁸ United States General Accounting Office Report # GAO/HEHS-94-45. “Elementary School Children: Many Change Schools Frequently, Harming Their Education.” February 1994.

²⁹ Excluding alternative and charter schools, applicants to all schools are divided into two groups: those who live within the “attendance area” and those who do not. Students who live within the attendance area of a school and also contribute to the diversity of the incoming class (determined by a computer algorithm) are placed first, with remaining spots allocated to applicants who contribute to the diversity of the class and live outside the attendance area. Thus, there are a number of factors that go into school assignment, and location of residence is only one of them.

child in her old neighborhood junior high, Marina Middle School, and drove her there every morning, but the other two ended up bussing to Clarendon.”

Furthermore, students who remain enrolled at the same school may nonetheless suffer academic setbacks due to moving-related stresses such as increased distance from social networks, interrupted routines, and busy caregivers.

CONCLUSION AND RECOMMENDATIONS

Eviction related displacement creates a series of obstacles for renter families, making it difficult for them to provide a safe and stable environment for their children in one of the most expensive counties in the nation. The number of families affected by OMI evictions is small relative to the thousands of families, at-risk of or experiencing at-fault just cause evictions, yet the effects of eviction on the individual families are significant. Researchers have consistently found that residential mobility is associated with a number of detrimental effects to a child's wellbeing. Finally, the threat of OMI evictions through owners' use of oral evictions appears to be a larger problem among tenants than the frequency with which the formal legal OMI eviction process occurs.

Recommendations:

- **Consider improving mechanism for increased data collection capabilities:** Provide an opportunity for owners (to the best of their ability) to voluntarily report the number and age of people living in units. Such a mechanism would assist the Rent Board in tracking the number of children affected by all evictions (excluding non-payment of rent). This recommendation would still fail to account for families affected by OMI evictions in cases where they were orally evicted as well as cases in which owners did not file notices with the Rent Board. Despite the limitations, the Rent Board is currently unable to assess the full magnitude of families facing evictions of all types in San Francisco and this would significantly improve the Rent Board's ability to track children affected by evictions.³⁰

Additionally, improving coordination of data between SFUSD and the Rent Board is an important step in understanding the effects of residential displacement on children. While cross-checking the Rent Board's notice data was time consuming for SFUSD, they were able to identify more families than through the Rent Board's data collection system. Increased collaboration between the Rent Board and SFUSD could generate a greater understanding of the magnitude of families affected by all types of evictions.

- **Consider policy changes to protect tenant families from no-fault evictions, while assessing the possibility of any unintended consequences:** Despite lack of consensus regarding the magnitude of OMI evictions, there is universal agreement among tenant advocates that minimizing displacement of families with children is beneficial. Strengthening protections for families with children affected by no-fault evictions is an important first step. However, it is recommended that consideration be given as to whether a policy change may result in any unintended consequences, such as adversely affecting a family's ability to rent in San Francisco.
- **Improve tenant educational outreach to avoid displacement associated with oral evictions.** Tenant advocates reported that many tenants move because of oral evictions from

³⁰ Using data from Alleged Wrongful Evictions, which are reports filed by tenants when they believe an eviction occurred in violation of the Rent Ordinance, in March 2009, the Rent Board reported that 76 families were affected by evictions. This number is likely a serious underestimate.

owners. Strengthening tenant protections are unlikely to impact this segment of the renter population if they remain unaware of their rights as renters.

METHODOLOGY

This report relied extensively on stakeholder interviews. The OLA contacted a total of twenty-one stakeholders for the drafting of this report (listed in Appendix A), successfully completing sixteen interviews. At the request of the Supervisor, the OLA enlisted the assistance from family service providers, eviction defense groups, San Francisco Unified School District, the San Francisco Apartment Association, government agencies, and tenant groups. Unfortunately, despite a brief telephone conversation and an e-mail request for information from the OLA, the San Francisco Apartment Association did not contribute to the report. Interviews were conducted informally and without a specific interview guide. Jennifer Rakowski from the Rent Board provided a large amount of guidance on the OMI eviction process, policies, and issues surrounding data collection of OMI evictions.

We reviewed a range of primary materials, including raw data from the Rent Board, Census data, and court records. Additionally, San Francisco Unified School District's Office of Research, Planning and Accountability (RPA) cross-referenced the Rent Board notice data with their own student tracking database. We also reviewed several social science journal articles, housing studies, and reports produced by non-profits and government agencies. Tenant advocacy groups collected anecdotal evidence from families affected by OMI evictions, which were used to substantiate statements made throughout the report.

Appendix A – LIST OF STAKHOLDERS CONTACTED

Jennifer Rakowski	Supervisor, Residential Rent Stabilization and Arbitration Board (Rent Board)
Chris Armentrout	Director of Government Relations, San Francisco Unified School District
Ilene Hirst	Sheriff Hennesy's Chief of Staff, Sheriff's Eviction Prevention Program
Ted Gullickson	Director, San Francisco Tenants Union
Arnold Ellis	Managing Attorney, Bay Area Legal Aid
Tommi Avicolti-Mecca	Director of Counseling Program, Housing Rights Committee
Sarah Short	Executive Director, Housing Rights Committee
Mariana Viturro	Co-Director, Saint Peter's Housing Committee
Miguel Wooding	Executive Director, Eviction Defense Collaborative
Kathy Harr	Eviction Defense Collaborative
September Jarett	Director of Policy Research, Department of Children Youth and Families
Jose Cartajena	Program Manager, Catholic Charities
Randy Shaw	Director, Tenderloin Housing Clinic
Deneen Jones	Counselor, Glide Memorial Church
Lisa Fricke	Government Affairs, San Francisco Apartment Association
Dan Kelly	Deputy Director, Human Services Agency
Al Gilbert	CFO, Family Services Agency
Cindy Ward	Director, Eviction Prevention Program Human Services Agency
Jess Liu	Housing Counselor, Chinatown Community Development Center
Alvaro Sanchez	Parent Organizer, Coleman Advocates for Children and Families
Eva Auyeung	Asian Law Caucus

Appendix B – School Mobility and Student Achievement Bibliography

Selected Studies and articles detailing the relationship between residential/school mobility and social and academic progress of children.

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