Resolution supporting California Senate Bill 364, introduced by Senator Leno, amending State law to return local control over the Ellis Act to prevent real estate speculation and abuse of no-fault evictions.

WHEREAS, The City and County of San Francisco (the "City") has historically been among the cities with the highest average rent in our country; and

WHEREAS, The City has seen significant job creation and employment growth in the past three years, seeing unemployment rates decline from 9.7% in August 2010 to 3.8% in December 2014 with 70,252 more people employed; and

WHEREAS, The population of the City has continued to increase during the past three years of economic growth, resulting in an increased demand for housing; and

WHEREAS, From 1997 to the present, according to data from the Rent Board, 3,277 units in San Francisco have been withdrawn from the rental market as a result of the Ellis Act; and

WHEREAS, The Ellis Act, Government Code, Sections 7060, et seq., provides, with limited exceptions that no public entity shall, by statute, ordinance, regulation, or by administrative action compel the owner of any residential real property to offer, or to continue to offer, accommodations in the property for rent or lease; and

WHEREAS, The Ellis Act is increasingly being used, not by long-term owners of rental property as the law intended, but instead by new owners who purchase the building with the intent of evoking the Ellis Act purely for speculative purposes; and
WHEREAS, The Ellis Act has adversely affected the supply of rental housing in San Francisco by restricting its availability without granting municipalities the tools to directly deal with its negative consequences; and

WHEREAS, There is a trend emerging in which the Ellis Act is used by entities who buy rental residential buildings and repeatedly leave the rental business, exploiting a loophole in the Ellis Act that the Legislature may not have intended to create when it passed the law; and

WHEREAS, Speculators who use the Ellis Act to evict tenants typically target long term residents who tend to be seniors and impact the City's most vulnerable residents: the disabled, those living with disabling HIV or AIDS, and immigrants; and

WHEREAS, An unintended consequence of the Ellis Act is that it places dependence for unit-by-unit replacement of lost affordable rental supply on local subsidy or market rate developers; and

WHEREAS, In the last decade, while San Francisco's market rate developers, through the City's inclusionary housing program, have produced 1,530 new affordable units without a City subsidy, during the same period, the City has witnessed 1,594 eviction notices based on the Ellis Act – creating a net loss in non-City-subsidized affordable rental housing; and

WHEREAS, In the last decade, while San Francisco has produced on average 591 new locally subsidized affordable housing units each year, 262 affordable rental units on average have been petitioned to be withdrawn from the rental market each year due to the Ellis Act, diminishing the impact that City-subsidized affordable housing production has had on increasing San Francisco's affordable housing, particularly for seniors and working class households; and

WHEREAS, Although there are 50,600 units entitled for development in the Planning Department's most recent pipeline report, 6,700 of which are currently under construction,
with 35 percent currently qualifying as permanently affordable housing, the use of the Ellis Act has in the past three years increased 165%, with 215 evictions from March 2013 to February 2014; and

WHEREAS, The City does not want to continue the trend of trying to build more affordable housing while at the same time losing an increasing number of our affordable rental housing to Ellis Act evictions; and

WHEREAS, The threat of Ellis Act eviction can force tenants to accept buyouts rather than face an eviction without compensation, which causes underreporting of de facto Ellis Act evictions; and

WHEREAS, The City recognizes that we cannot wait until Ellis Act evictions reach the levels seen in the year 2000 before acting to restore more local control; and

WHEREAS, A 2014 report from Tenants Together, a statewide organization for renters’ rights, found that 51% of the City’s evictions begin within the first year of new ownership and 78% start within the first five years of new ownership; and

WHEREAS, Thirty percent of all Ellis Act evictions come from investors who have entered and exited the rental business more than once, evicting residents from multiple buildings; and

WHEREAS, The City should work to stem the tide of speculative evictions; and

WHEREAS, The City should protect residents who live in the housing stock we have while continuing to build the housing our growing workforce needs; now, therefore, be it

RESOLVED, That the Board of Supervisors and Mayor should work together with a common goal to amend state law to restrict speculative Ellis Act evictions and return greater local control over the Ellis Act in order to reduce the speculative Ellis Act evictions that are displacing long-time residents of our City and disrupting our efforts to grow in accordance to our General Plan and our neighborhood plans; and, be it
FURTHER RESOLVED, That the Board of Supervisors strongly supports Senate Bill 364 amending state law to return more local control to San Francisco in order to stop speculative Ellis Act evictions and respectfully urge our Bay Area legislators to support said legislation; and, be it

FURTHER RESOLVED, That the Board of Supervisors and Mayor will also pursue local strategies to mitigate adverse impacts on persons displaced by the Ellis Act including but not limited to legislation related to relocation assistance, buy-outs, tenant harassment and affordable rental housing retention.
Resolution supporting California Senate Bill 364, introduced by Senator Leno, amending State law to return local control over the Ellis Act to prevent real estate speculation and abuse of no-fault evictions.

March 31, 2015 Board of Supervisors - ADOPTED
Ayes: 9 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Tang and Wiener
Excused: 2 - Mar and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 3/31/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Cordero
Clerk of the Board

Mayor

Date Approved

4/8/15