



EVICION DEFENSE COLLABORATIVE

# 2013 EVICION REPORT

## Executive Summary

This report gives an overview of San Francisco's eviction epidemic, focusing primarily on formal eviction lawsuits. It provides information about who was sued for eviction in 2013, and highlights how the process is abused through pretextual evictions. The data in this report shows that low-income tenants, tenants with disabilities, and San Francisco's black population continue to be disproportionately affected by eviction.

In 2013, the EDC assisted 94% of tenants and foreclosed homeowners who responded to their eviction lawsuits. In addition to EDC's data, this report also includes data from the San Francisco Superior Court, the San Francisco Rent Board, and the San Francisco Tenants Union.

## Who was sued for eviction?

In 2013, the EDC prepared responses to 2,003 eviction lawsuits, involving over 4,000 tenants. The figures in this section are based on the families and individuals impacted by these 2,003 lawsuits.

## The Eviction Process

This report focuses on formal eviction lawsuits (unlawful detainer actions). The unlawful detainer is the first step in the process towards a sheriff's eviction, but not every lawsuit results in a sheriff's eviction.

Evictions can be carried out through this formal legal process or through informal—often illegal—means. Informal eviction activity can include any combination of:



### **Demanding that a tenant leave**

despite the tenant's established right to stay



### **Harassing a tenant**

common examples include threats, intimidation, and neglecting to make repairs



### **Paying someone to move**

often less than the amounts required by law



### **Locking a tenant out**

illegally changing the locks

Informal evictions are difficult to track, so their impact is immeasurable and is not captured in this report. Eviction lawsuits, however, must be filed with the Superior Court; the data from the cases in this report helps illuminate the story of eviction in San Francisco.

## **CHARACTERISTICS:**

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20% of households had at least one **child under 18 years old.** Of the total households with children, 24% were **single-parent households.**

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16% of households had at least one person **60 years old or older.**

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52% of households contained at least one **person with a disability.**

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15% of households were home to at least one **person who identified as LGBTQ.**

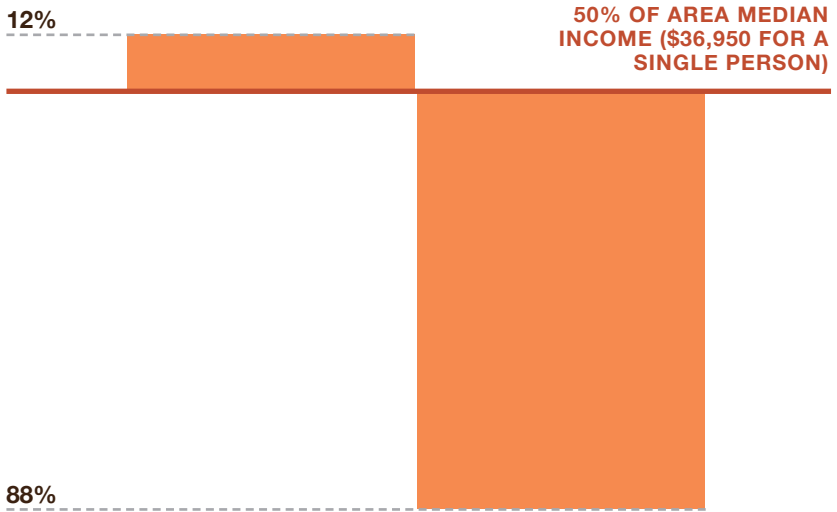
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26% of evictions in 2013 were from properties funded **by the City and County of San Francisco.**

## INCOME OF EDC CLIENTS

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EDC services are available to all San Franciscans regardless of income. Below is a breakdown of the household income of EDC clients. 12% of clients earn above half the area median income for San Francisco. Of the remaining 88%, over half are even below the federal poverty line.



1 <http://www.huduser.org>

2 <http://aspe.hhs.gov/poverty/index.cfm>

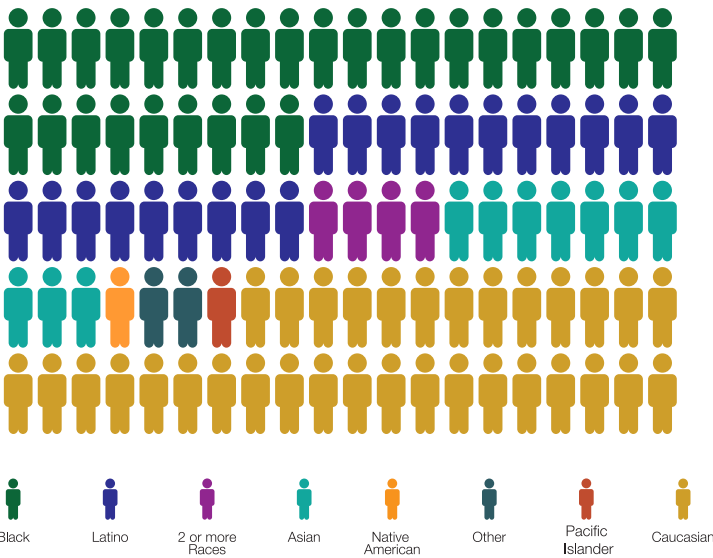


RACE/ETHNICITY:

# San Francisco<sup>3</sup>



# EDC Clients



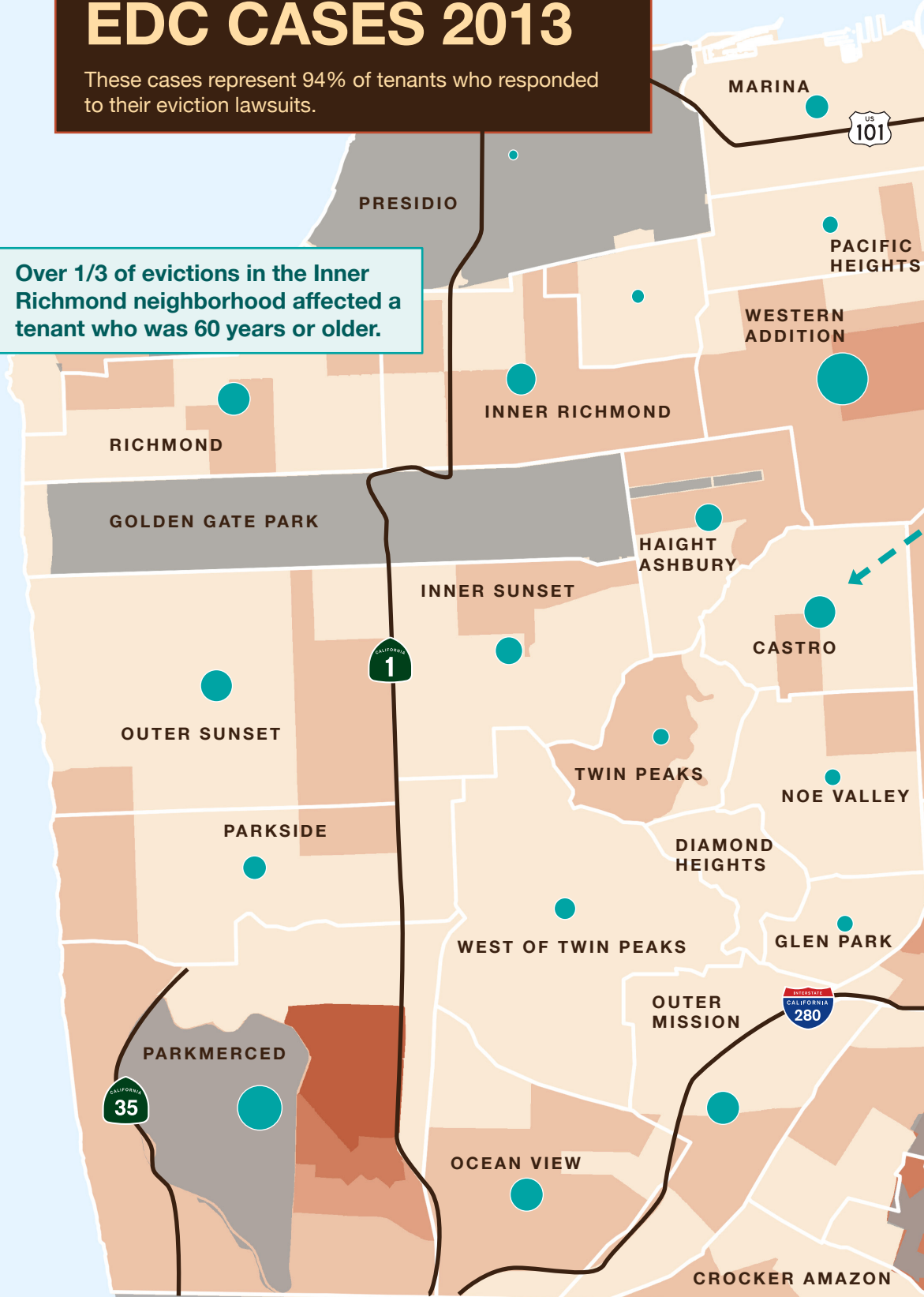
In San Francisco, the black population makes up 29% of all those evicted, yet only 6% of the population city-wide.

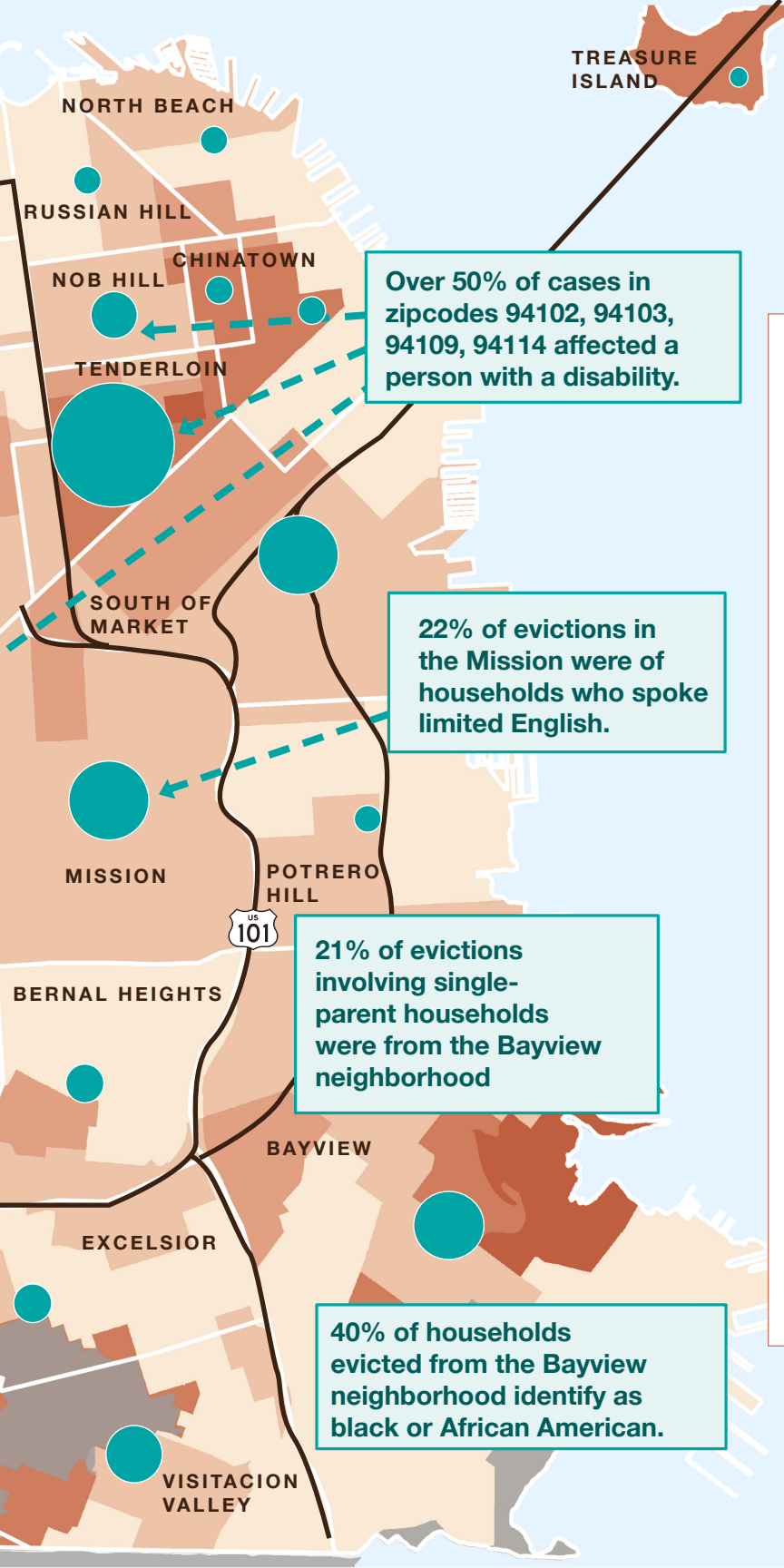
3. Source: U.S. Census Bureau, 2008-2013 American Community Survey

# EDC CASES 2013

These cases represent 94% of tenants who responded to their eviction lawsuits.

Over 1/3 of evictions in the Inner Richmond neighborhood affected a tenant who was 60 years or older.





TREASURE ISLAND

NORTH BEACH

RUSSIAN HILL

CHINATOWN

NOB HILL

TENDERLOIN

SOUTH OF MARKET

MISSION

POTRERO HILL

BERNAL HEIGHTS

21% of evictions involving single-parent households were from the Bayview neighborhood

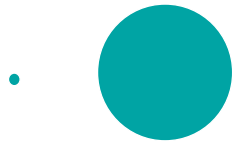
BAYVIEW

EXCELSIOR

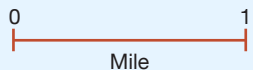
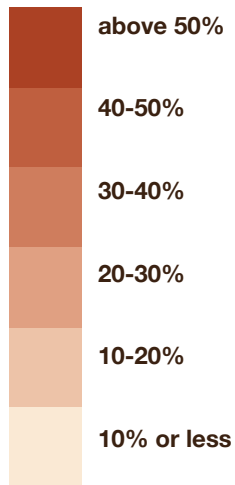
VISITACION VALLEY

**KEY**

The symbols proportionally represent the number of eviction lawsuits per neighborhood. The smallest symbol represents one eviction lawsuit and the largest represents 465.



Percent of Residents Living Below the Federal Poverty Line in 2013 (\$11,490 for one person)



## Abuse of the formal eviction process

### No-Fault vs. “Low-Fault”

While there has been great discussion of no-fault evictions in the media, that is not the only tool landlords can wield to force tenants out. San Francisco’s Rent Stabilization and Arbitration Ordinance requires “Just Cause” for eviction. There are two primary categories: No-fault evictions (like the Ellis Act), and “fault” evictions, based on an action by the tenant. No-fault evictions are on the rise; the San Francisco Tenants Union reports that Ellis Act evictions increased 70% from 2012-2013.<sup>4</sup> No-fault evictions require additional time for tenants to vacate, incur relocation payments, and have long-term consequences for the property.

Compare this to “fault” evictions, which are also on the rise, but can circumvent many of these protections. In most cases, these only require three days’ notice for the tenant to leave, are far less costly, and do not restrict the property’s future use. San Francisco has seen a striking increase in pretextual, or “low-fault,” evictions—cases filed for Just Cause but without any evidence. Often a landlord says a tenant created a nuisance or breached their rental agreement. Common allegations include: pets, subletting, smoking, and failure to pay utilities.

When a landlord alleges breach of the lease or nuisance, it does not necessarily mean a tenant did something wrong. In 2013, tenants were sued for parking outside the parking lines and cooking late at night. Individuals in these cases are usually successful in maintaining their housing when an attorney is available to investigate the facts — and defend their right to stay in their home at trial.

4 <http://www.sftu.org/Data.htm>



## BREACH OF LEASE CASES:

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Since 2009, the EDC has seen a **62% increase in the number of breach of lease cases.**

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Over half of the households sued for breach of lease were home to at least one **child under 18 years old.**

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**In the Mission, there was a 111% increase** in the number of breach of lease cases the EDC saw between 2012 and 2013.

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There was a **127% increase in breach of lease cases in the Polk/Russian Hill/Tenderloin** neighborhood from 2009-2013.

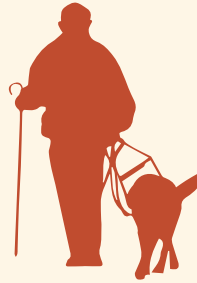
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In 2013, the most common reason cited for breach of lease and/or nuisance was related to a dog or pet; the number of cases was four times greater than in 2009.

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From 2012-2013, there was a 23% increase in the number of cases based on subletting or an unapproved subtenant; the number of cases filed for allegations of subletting have more than tripled since 2009.

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One tenant who has lived in his home for nearly three decades was sued for having a companion animal — a documented service dog for his disability. **The right to reasonable accommodation for a disability is the sort of civil right tenants struggle to assert without an attorney.** Because of the expert advocacy of an EDC attorney, this tenant was able to keep his home.

The San Francisco Rent Board's 2014 Annual Eviction Report shows 607 notices were filed for breach of agreement between March 1, 2013 and February 28, 2014, a 30% increase from the year before.<sup>5</sup> Also, the Rent Board data reflects a 70% increase in notices filed for breach of agreement since 2009.

5 <http://www.sfrb.org/index.aspx?page=46>

## Conclusion

Although No-fault evictions are on the rise, there are also ways for landlords to circumvent tenants' legal protections through "low-fault" evictions. Because these cases assert fault on behalf of the tenant, they often draw little attention or sympathy. Left unchallenged, unscrupulous landlords will continue to utilize these types of evictions as a "legitimate" means of displacement.

Though much focus has recently been on no-fault evictions, this report shows that there is more to the story. This story of increasing "low-fault" evictions is one that impacts some of San Francisco's most vulnerable communities and ultimately threatens the diversity that makes San Francisco so unique.

## About the EDC's Data

The EDC staff and volunteers conduct a thorough interview with each client to collect housing, demographic, and contact information. The information in this report comes from those intake interviews.

The San Francisco Superior Court reports that 3,423 Residential Unlawful Detainers were filed in the city in 2013. Data shows that there was no court appearance in 1,294 (38%) of these cases, suggesting a tenant did not respond to the lawsuit in the short five-day deadline. Of the 2,129 cases for which a response was filed, the EDC prepared paperwork for 2,003 (94%).

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The Eviction Defense Collaborative is a non-profit legal services and rental assistance agency with expertise in helping tenants and foreclosed homeowners respond to their eviction lawsuits. Through its work helping tenants navigate the legal process of an eviction and providing direct financial assistance, the EDC works toward a mission of preventing homelessness, preserving affordable housing, and protecting the diversity of San Francisco.

A fundamental purpose of the EDC is to provide low-income tenants equal access to the law. The EDC is proud to provide legal services to any person facing eviction from their home.

**Donate or learn about volunteering at  
[www.evictiondefense.org](http://www.evictiondefense.org)**

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