



# EVICTIION REPORT 2014



EVICTIION DEFENSE  
COLLABORATIVE

EDC 995 Market St. #1200 SF CA 94103 | 415.947.0797 | [evictiondefense.org](http://evictiondefense.org)

# Executive Summary

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The Eviction Defense Collaborative (“EDC”) is the principal organization in San Francisco that helps low-income tenants respond to their eviction lawsuit.

Each year EDC provides emergency legal services and rental assistance to over 5,000 tenants in San Francisco. Since its founding as an all volunteer organization 20 years ago, EDC has grown to a full-time staff of more than 25 dedicated civil rights attorneys, rental assistance counselors, shelter advocates and administrative staff.

EDC’s most basic service – responding to the unlawful detainer lawsuit – is available on a sliding scale fee-for-service basis to any tenant sued for eviction in San Francisco. EDC does not deny this basic service to any tenant facing the fast-paced, highly technical unlawful detainer process – over 90% of tenants who respond to their eviction lawsuit in San Francisco do so with EDC’s help. In addition to the basic set of paperwork tenants are required to file with the Court in response to their lawsuit, EDC’s self-help drop-in clinic offers tenants advice, counseling, and referrals to full-scope eviction defense services at EDC’s numerous community partner agencies.

For tenants who aren’t eligible for a full-scope referral, EDC and the SF Bar Association provide every single tenant sued for eviction a pro-bono attorney for the afternoon of their settlement conference – where over two-thirds of cases are resolved. Tenants who miss their settlement conference or do not reach an agreement with their landlord may now be eligible for representation by EDC at Jury Trial. Started in December 2012, EDC’s Trial Project filled a key gap in the City’s eviction defense network. Representing tenants at trial and helping them assert their civil rights before a jury has been a critical addition to EDC’s program. Without effective representation at trial, tenants are too easily pressured to agree to move out of their home in order to settle their eviction case.

Just as critical for income eligible tenants is EDC’s Rental Assistance Disbursement Component (“RADCo”). This program provides one-time rental assistance to help families avoid the difficult unlawful detainer process altogether. The no-interest loans and grants RADCo disburses to over 500 households a year can help pay off a 3-day notice to quit - and thereby prevent the landlord from ever having an opportunity to sue the tenant for unlawful detainer. While RADCo’s loan and grant funds are also available to, and often used by, tenants who have been sued for eviction, preventing displacement through direct rental assistance prior to any formal lawsuit remains one of EDC’s most effective anti-eviction strategies. For those who have been displaced, EDC’s Shelter Advocates continue to provide services to help those navigate the shelter system.

With the ambitious mission to preserve affordable housing, prevent homelessness, and protect the diversity of San Francisco’s unique neighborhoods, EDC’s expert legal and rental assistance services have never been more essential than ever before to tenants. Ensuring equal access to the Court during the challenging unlawful detainer process is fundamental to fulfilling this mission. EDC helps tenants keep their homes with increasing success when tenants enforce their rights despite their ability to relocate within San Francisco being constantly eroded.



# The Eviction Epidemic

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San Francisco's Rent Ordinance provides the primary protection for tenants against unjustified evictions and unreasonable rent increases.

For housing covered by the ordinance (which is most apartments in the city) landlords are required to state a "just cause" for requiring a tenant to move. The ordinance lists 16 specified grounds for evicting a tenant. This report gives an overview of San Francisco's eviction epidemic from the vantage point of the EDC. In 2014, according to the Rent Board's Annual Eviction report, there were 2,120 notices of eviction filed with the Rent Board for the year ending February 28, 2015—a 54.7% increase over five years ago.

*Source: Petitions filed with the Rent Board. Not all notices are filed at the Rent Board. For example, if the tenant moves out, the landlord typically does not complete the filing.*

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## ABOUT THE DATA

This report is compiled from client data of the Eviction Data Collaborative collected in the year 2014. Analysis and design by the Anti-Eviction Mapping Project.



**EVICTIION ZONE**  
**← 1 SQUARE MILE →**

**IN 1 SQUARE MILE  
FROM THIS POINT  
THERE HAVE  
BEEN OVER 1,077  
NO-FAULT EVICTIONS  
SINCE 1997\***

# Unlawful Detainer Procedures

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The unlawful detainer (“UD”) or eviction process is a summary process meaning that it rushes through the Court faster than almost any other type of civil case.

The procedure is designed to return possession of the rental property to the landlord as soon as possible. In order to avoid violations of the tenant’s due process rights, the statutory provisions to the unlawful detainer are strictly enforced.

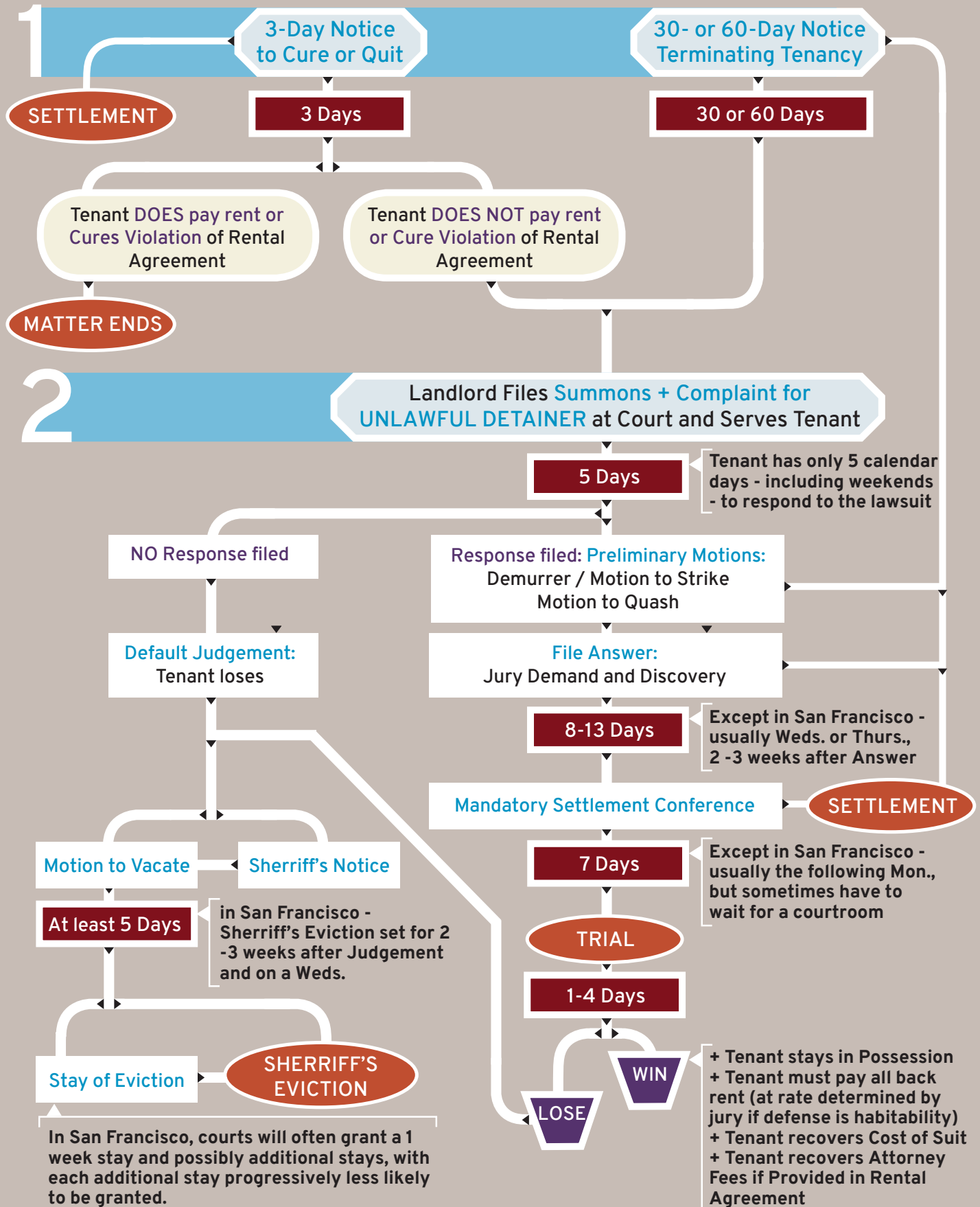
The eviction process usually takes place over the course of 4-6 anxiety filled weeks. The process begins when the tenant is served a legal notice, the length of which depends on the violation. (For example, a tenant who owes back rent would be given a three day notice to pay rent or quit). If the tenant is not able to cure, pay the amount owed, or is not given the option to cure the notice within the notice period, the landlord may file a lawsuit or UD with the Court after the notice expires. Once the tenant is personally served the UD, each tenant has five \*calendar\* days to file a response with the Court. If the tenant does not file a response within five days of service, the landlord may request a default judgment. If a default judgment is granted, the landlord wins the case automatically, and the tenant will receive a sheriff’s notice within 1-2 weeks with his or her scheduled eviction date. If the tenant responds within the five days following service, he or she will be scheduled for a mandatory settlement conference and a trial date at the court, usually within three to four weeks.

The expedited process presents problems for tenants who are not familiar with Court procedures, do not know their rights, or are experiencing circumstances which make it difficult to comply with the strict timeline. The Rent Ordinance protects most San Francisco tenants living in units built before 1979 with rent control and/or just cause evictions; however, it has many weaknesses. Many just cause evictions, such as those based on owner move ins or capital improvements, are due to no fault of the tenant. Additionally, once a tenant vacates his or her unit, the unit may be rented at market value because there is no vacancy control, creating an incentive for the landlord to remove long term tenants.

Units built after 1979 have neither rent control nor just cause eviction protections. The rising cost of housing makes it almost impossible for low income tenants to remain in the city once they lose their rent controlled housing, and overwhelmingly, minority groups have been the victims of the eviction process.

**In 2014, the EDC helped over 5,000 clients and prepared a response to an Unlawful Detainer for 1,948 households.**

# Guide to the Unlawful Detainer Process



# San Francisco EDC Eviction Cases 2014

## 1,948 TOTAL

**332** TENDERLOIN 17%  
94102

**249** SOMA 12.7%  
94103

**159** INNER MISSION 8.1%  
94110

**186** BAYVIEW 9.5%  
94124

**219** POLK / NOB HILL 11.2%  
24109

Tenants facing eviction who  
contacted the EDC in 2014  
and who responded as  
speaking a primary language  
other than English:

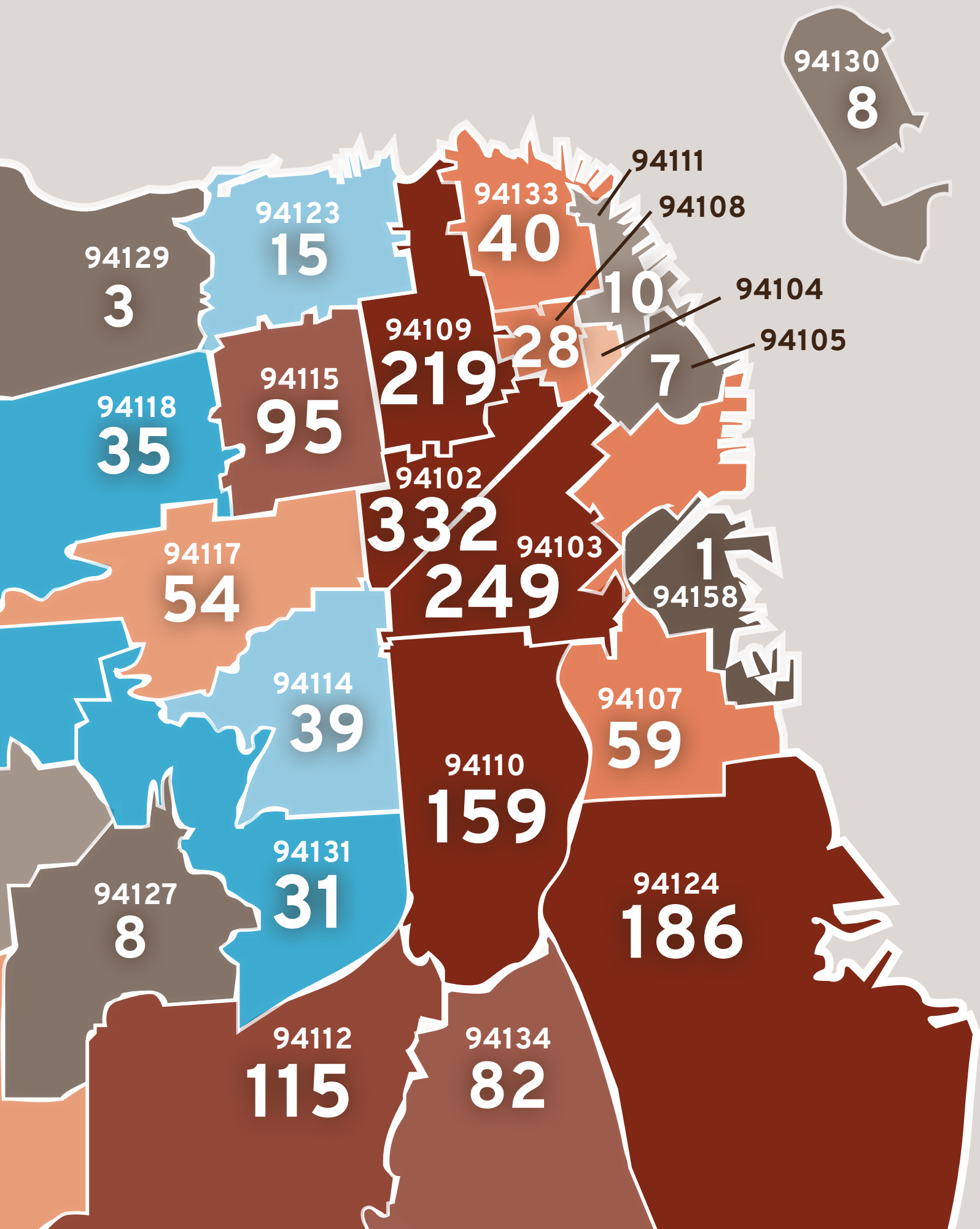
**62%** spoke Spanish  
**10%** spoke Cantonese

94121  
**53**

94122  
**31**

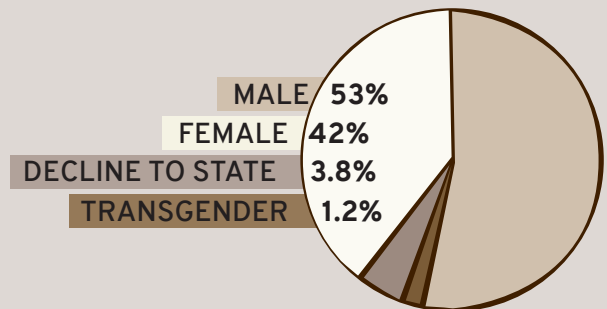
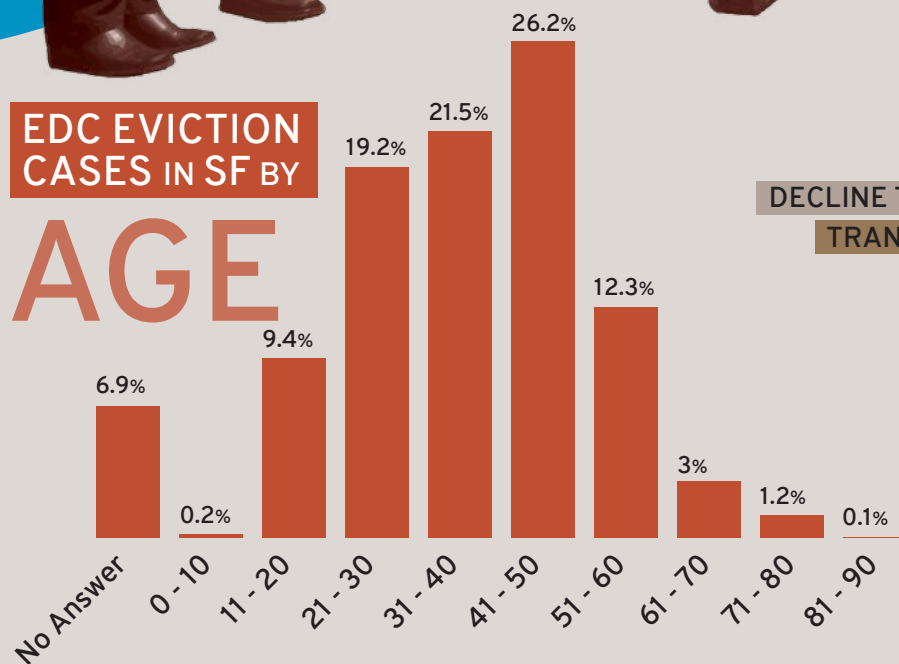
94116  
**21**

94132  
**68**





# San Francisco EDC Eviction Cases 2014

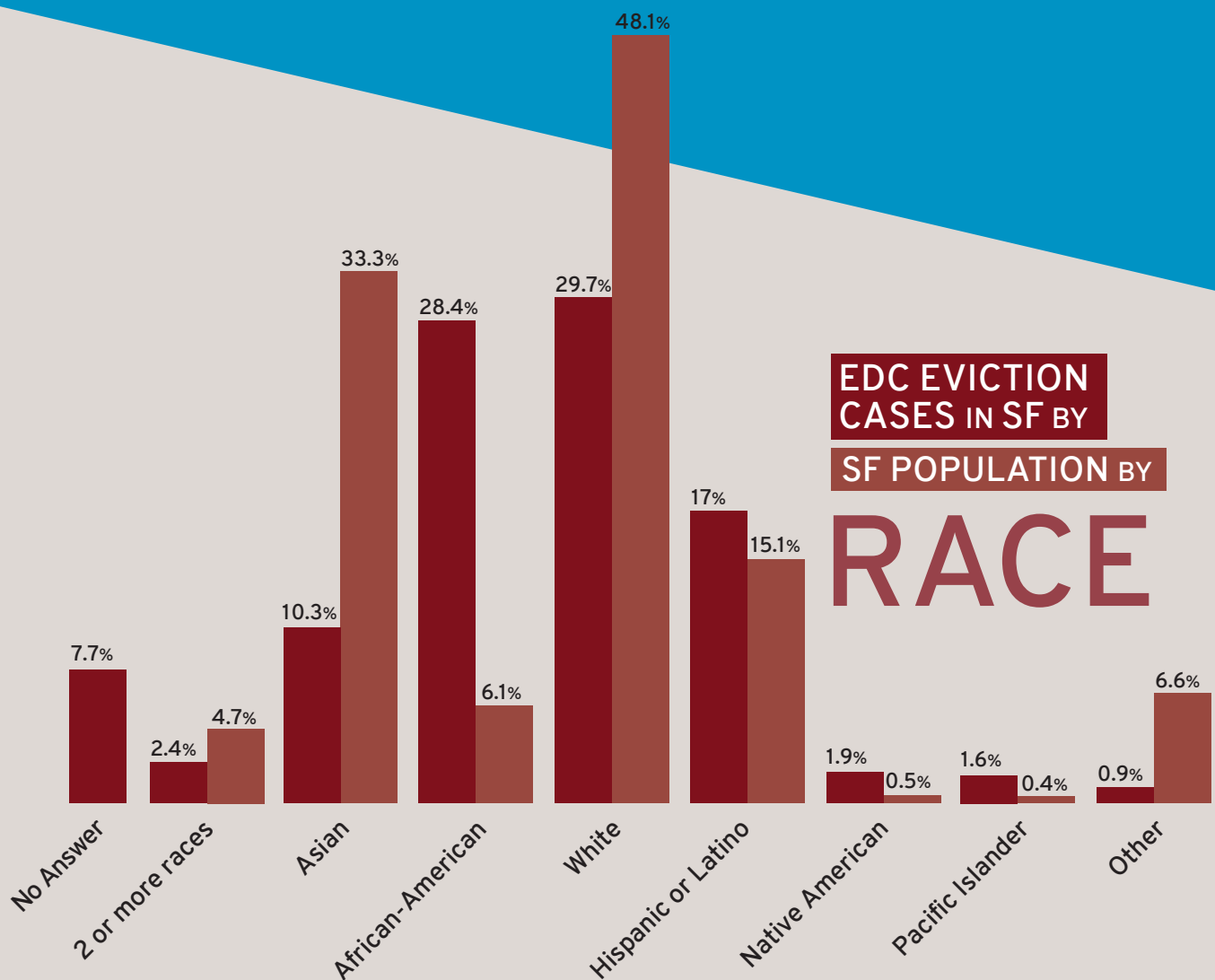


16% of EDC clients in 2014 were over age 50.



**African-Americans comprised 28% of EDC clients in 2014, although citywide they are only 6% of the population of San Francisco.**

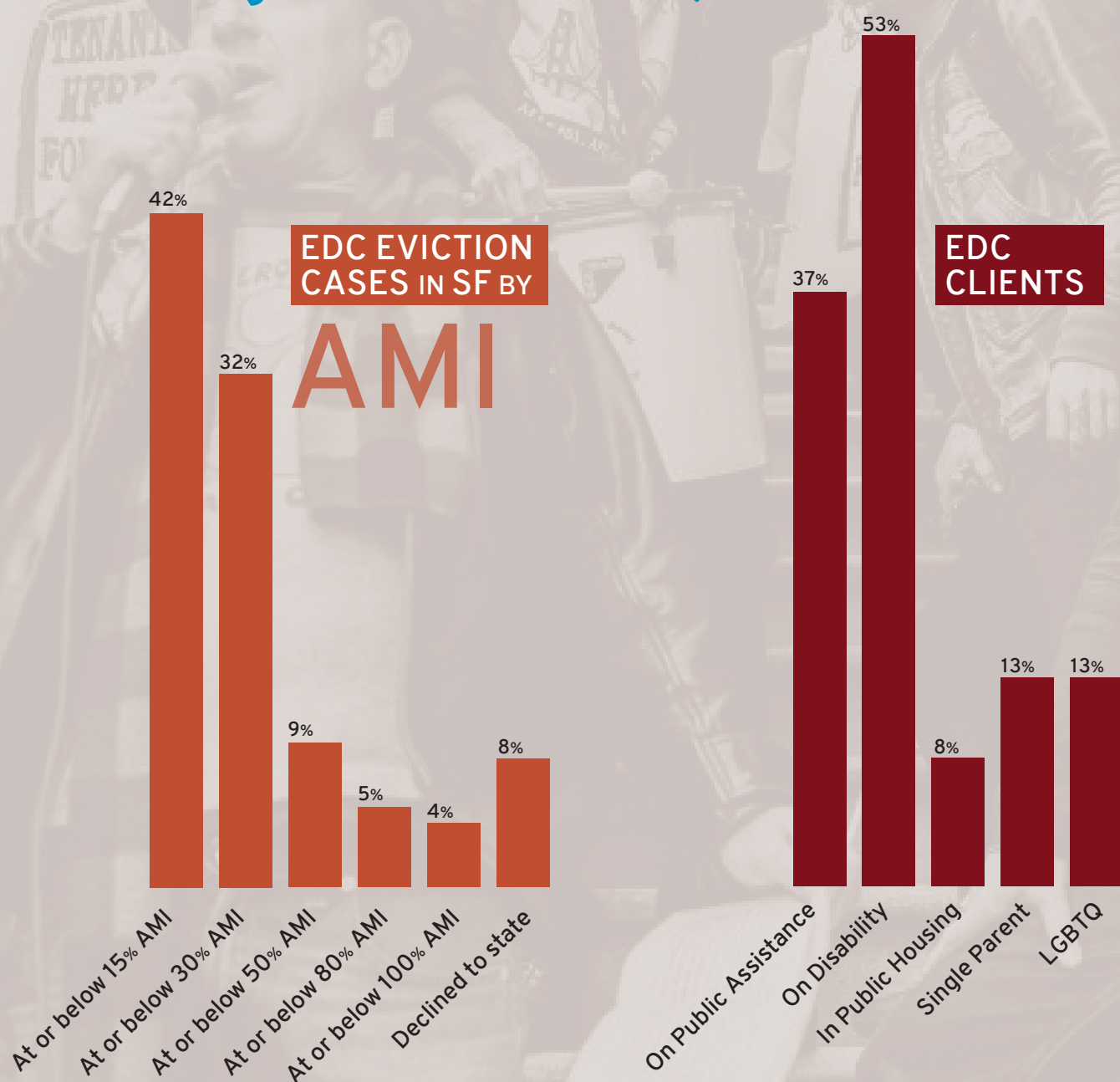
**Latinos were the second largest non-white demographic at 17% of EDC clients, and are 15% of the population of San Francisco.**



Area Median Income (AMI) is the amount where half the population earns less and half earns more.

100% AMI for a single San Francisco resident in 2014 was \$67,950.

42% of tenants facing eviction in 2014 who contacted the EDC made 15% AMI: an average income of \$10,193.



# Conclusion

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Landlords are abusing the Breach of Lease rules and commencing an eviction process for even the most trivial of lease violations.

In 2014, a Chinatown building was in the news when breach of lease notices were served to 24 families for hanging laundry in their windows – despite years of this practice and no complaints until there was a new owner. Figuring out how to get help on short notice can be daunting – especially for monolingual households or working families. EDC has seen suspiciously thin and misleading breach of lease notices of eviction as eviction complaints are on the rise. Other no-fault evictions have dropped slightly in 2014. This development points to owners and property managers looking for any excuse to remove tenants and also avoid relocation payments associated with non-fault evictions.

**In 2014, according to the Rent Board's Annual Eviction report, there were 2,120 notices of evictions filed for the year ending February 28, 2015—a 54.7% increase over five years ago.**

Low fault evictions are still a major problem for San Francisco tenants. Regularly, these types of evictions occur when a new landlord buys a building and attempts to evict the tenants for technical violations of a lease, often for behavior that was overlooked by the prior landlord for years.

The neighborhoods hit hardest by the eviction epidemic are traditionally low-income neighborhoods like the Tenderloin and Bayview/Hunter's Point. Low-income tenants are impacted more greatly by evictions, as they are often in subsidized housing. Wait lists for such housing are so long that when a tenant is evicted from a subsidized unit they are often left with the difficult choice of being homeless in San Francisco or leaving the city entirely. Other neighborhoods hit particularly hard are those that are quickly gentrifying like the Mission. This neighborhood is known for having a vibrant Spanish speaking population, and evictions that take place there significantly contribute to the loss of diversity in San Francisco.

Through the Trial Project, 183 households were represented by an EDC attorney for their trial. These are households that would not have otherwise had access to an attorney. Outcomes were measurably better in these cases, and often having representation by an EDC attorney at trial was the only thing that prevented the tenant from becoming homeless.

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Tax ID #94-3342323



**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.



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