

SF ANTI-DISPLACEMENT COALITION KNOW YOUR RIGHTS GUIDE

ARE YOU BEING EVICTED?

YOU DON'T HAVE TO LEAVE JUST BECAUSE YOUR LANDLORD TELLS YOU TO MOVE!

A legal eviction is a very specific legal process that your landlord must follow. All eviction notices must be in writing. Additionally, if you live in a rent-controlled apartment, your landlord can only evict you for a specific set of reasons called "Just Cause."

TALK TO A TENANTS RIGHTS COUNSELOR IF YOUR LANDLORD IS TRYING OR THREATENING TO EVICT YOU.

Don't sign anything before talking to a counselor!

Visit www.SFADC.org for a list of tenants rights groups in San Francisco.

JUST CAUSES FOR EVICTION

Under section 37.9(a) of the SF Rent Ordinance, landlords of rent-controlled apartments must have just cause to evict tenants from those units. For a full list of allowed reasons for eviction, see www.sftu.org/justcauses/

Some causes for eviction are because the tenant has violated their lease agreement or the law. These are called "**For-Fault**" evictions. Some common examples include:

1. Nonpayment of rent, habitual late payment, or frequent bounced checks.
2. Breach (violation) of a term of the rental agreement that has not been corrected after written notice from the landlord.
3. Nuisance or substantial damage to the unit (waste), or "creating a substantial interference with the comfort, safety, or enjoyment of the landlord or other tenants in the building."

There are a limited set of reasons that a landlord can evict a tenant who did not violate their lease or the law. These are called "**No-Fault**" evictions. Often, tenants have the right to relocation payments. Some common examples include:

1. OMI: Move-in of the landlord or a close relative of the landlord (if the landlord lives in the building).
2. Sale of a unit which has been converted to a condo. Seniors and permanently disabled tenants cannot be evicted for condo conversions.
3. Capital improvements or rehabilitation. The tenant has the right to re-occupy the unit at the prior rent, once the work is completed.
4. Ellis Act evictions, which require withdrawal from rental housing use all of the units in the building.

EVICITION NOTICES

Eviction notices can't be given verbally. A real eviction begins with a written notice, usually for 3, 30 or 60 days. You do not have to leave your home by the end of this notice, and your landlord can't force you out. If you haven't moved by the end of the 3, 30 or 60 days, the landlord can then begin the court eviction process with a summons (Unlawful Detainer).

If you receive a "Summons and Complaint for Unlawful Detainer." **YOU MUST RESPOND TO THIS IN FIVE DAYS**, or you may lose your right to a trial and the eviction will move much quicker. You begin counting the 5 days the day after you receive the Summons; weekends and holidays *do not* count as days, and the 5 days cannot end on a weekend or holiday. If you do not respond, you will lose automatically and can be evicted by the Sheriff in a week.

THE ANSWER: You respond to the Summons by completing a court form called an "Answer." You may also be able to first file court motions attacking the validity of the eviction. It is **HIGHLY RECOMMENDED** that you get help filing these at the Eviction Defense Collaborative (evictiondefense.org).

EVICITIONS ARE DONE THROUGH COURT

Landlords don't evict: judges and sheriffs evict. When you rent, you have a legal right to stay until you either choose to leave or the landlord gets a court order. Before you can be evicted, you have the right to bring your case to a jury. If you win, you get to stay. If you lose, only the sheriff has the right to remove you. All San Francisco tenants facing an eviction are entitled to free legal representation. There are free tenant rights clinics across the city to help. You can visit www.sfadc.org/help for the full list of organizations.

LEGAL ASSISTANCE

To respond to an Unlawful Detainer, you need to obtain legal assistance. The Eviction Defense Collaborative (EDC) assists tenants in responding to the court papers. Bring your papers to the EDC, 976 Mission Street, 1st Floor, San Francisco, Monday, Wednesday, and Friday from 10-11:30 am and 1-2:30 pm. Drop in to talk to a counselor during counseling hours. You can also contact them by phone 415-659-9184 or email legal@evictiondefense.org

RETALIATORY EVICTIONS

California Civil Code 1942.5 says a landlord cannot retaliate against tenants by evicting them or raising the rent. If your landlord tries to evict you within six months of an action you have taken to assert your rights, you may have a defense against it. Make sure you keep copies of all actions which might be cause for retaliation, such as Rent Board notices, Building Inspection notices, etc.

THE SAN FRANCISCO ANTI DISPLACEMENT COALITION IS A GROUP OF TENANT ORGANIZATIONS AND ALLIES WHO ORGANIZE AGAINST THE SOARING EVICTIONS AND RENT INCREASES IN OUR CITY, WHICH HAVE RESULTED IN THE DISPLACEMENT OF THOUSANDS OF SAN FRANCISCANS. FIND US AT WWW.SFADC.ORG
INFORMATION PROVIDED BY THE SAN FRANCISCO TENANTS UNION AND THE HOUSING RIGHTS COMMITTEE