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7 CITY AND COUNTY OF SAN FRANCISCO and
SAN FRANCISCO BOARD OF SUPERVISORS

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO - UNLIMITED JURISDICTION

11 SAN FRANCISCO APARTMENT
12 ASSOCIATION, SAN FRANCISCO
ASSOCIATION OF REALTORS,
13 COALITION FOR BETTER HOUSING,
SMALL PROPERTY OWNERS OF SAN
14 FRANCISCO INSTITUTE,

15 Petitioners,

16 vs.

17 CITY AND COUNTY OF SAN FRANCISCO,
a California municipal corporation, and SAN
18 FRANCISCO BOARD OF SUPERVISORS,

19 Respondents,

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21 EVICTION DEFENSE COLLABORATIVE, a
California Nonprofit Corporation

22 Intervenor.
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FILED
San Francisco County Superior Court

AUG 3 - 2020

CLERK OF THE COURT
BY: *J. Murphy*
Deputy Clerk

Case No. CPF-20-517136

**[PROPOSED] ORDER DENYING MOTION
FOR PEREMPTORY WRIT OF MANDATE
AND ORDER TO SHOW CAUSE**

Hearing Date: July 31, 2020
Hearing Judge: Hon. Charles F. Haines
Time: 9:30 a.m.
Place: Dept. 501

Date Action Filed: June 29, 2020

1 **ORDER**

2 The motion for a peremptory writ of mandate and for an Order to Show Cause filed by
3 petitioners San Francisco Apartment Association, San Francisco Association of Realtors, Coalition For
4 Better Housing, and Small Property Owners of San Francisco Institute came on for hearing at 9:30
5 a.m. on July 31, 2020, in Department 501 of the San Francisco Superior Court, the Honorable Charles
6 F. Haines presiding. Petitioners were represented by their counsel, Andrew Zacks. Respondents the
7 City and County of San Francisco and the Board of Supervisors of the City and County of San
8 Francisco were represented by their counsel, Deputy City Attorneys Wayne Snodgrass and Manu
9 Pradhan. Intervenor Eviction Defense Collaborative was represented by its counsel, Robert DeVries.

10 This Court having considered the pleadings and papers filed by petitioners, respondents, and
11 intervenor, and having considered the arguments of counsel presented at the hearing, hereby orders as
12 follows:

13 Petitioners' motion is DENIED. Ordinance No. 93-20 is a permissible exercise of the City and
14 County of San Francisco's police power to regulate the substantive grounds on which an owner of
15 residential real property may seek to recover possession of residential property, and does not
16 procedurally impair the summary eviction scheme set forth in the unlawful detainer statutes. It
17 therefore is not preempted by those statutes. It also is not preempted by the California Emergency
18 Services Act, which does not occupy the field of regulation of the substantive grounds for eviction or
19 otherwise displace local governments' ability to regulate in that field under the police power. The
20 ordinance does not compel any uncompensated physical occupation of property or otherwise give rise
21 to a facial taking^{of} property, and as a reasonable exercise of the police power to promote public welfare
22 it does not facially violate the Contracts Clauses of the federal or California Constitutions.

23 IT IS SO ORDERED.

24
25 Dated: 8/3/2020

26 
The Honorable Charles F. Haines
Judge of the Superior Court